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Friday,
2nd September, 1955

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

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Acc. No. 25462
Dated 11.02.20

LOK SABHA

Friday, 2nd September 1955

The Lok Sabh met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Air Accidents

*1346. **Shri D. C. Sharma:** Will the Minister of **Communications** be pleased to lay a statement on the Table of the House showing:

(a) the total number of air accidents in India during the period from the 1st March, 1955 to the end of August, 1955;

(b) the total number of lives lost in these accidents; and

(c) how many of these accidents were due to the negligence and carelessness of either the pilots or the ground engineers?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (c). I lay a statement on the Table of the Lok Sabha giving the requisite information. [*See* Appendix VIII, annexure No.1]

Shri D. C. Sharma: From the statement I find that one of the accidents was due to the negligence and carelessness of an aircraft maintenance engineer. Is it not a fact that the aircraft maintenace engineers are not properly recruited and that some of them lack the requisite qualifications and experience for this kind of work?

Shri Raj Bahadur: Aircraft maintenance engineers possess necessary technical qualifications, and I think that the impression that they are not properly recruited or that they are not properly qualified is without any foundation.

Shri D. C. Sharma: It has been said in the statement that five accidents were due to pilot errors, and that the pilot errors were due more to the failure of the human element than to carelessness or negligence. May I know what the failure of the human element comes up to, and what safeguards have been taken to see that this human element does not fail so often as once in three months?

Shri Raj Bahadur: So far as the failure of human nature is concerned, I can only say that the procedures prescribed or the necessary instructions given in a particular state of affairs are adhered to strictly. Apart from that, so far as the question of steps taken to eliminate these human errors are concerned, we have introduced emergency procedure, and instrument flying training for those people, and it is checked from time to time. Then a route check every six months has been prescribed. And these checks have been made mandatory requirements for the renewal of their licences, and without these checks their licences cannot be renewed. Apart from these, various other steps have been taken to ensure that these human failures are minimised.

Shri G. S. Singh: May I know the names and the qualifications of the various technical personnel asosociated with the courts of enquiry, who determine the causes of these accidents?

Shri Raj Bahadur: For each and every accident we had a separate court of enquiry. There was an officer of the status of a High Court judge, and he was assisted by to technical officers. In most cases, these technical officers were officers of the Directorate-General of Civil Aviation or the Indian Air Force.

Shri Kasliwal: May I know the number of freighters and the number of passenger aircraft involved in these accidents?

Shri Raj Bahadur: I can give the numbers year-wise. The total number of accidents from 1950-51 runs as follows:

1950	..	..	61
1951	..	..	37
1952	..	..	28
1953	..	..	24
1954	..	..	17

The total number of freighter accidents out of these was as follows:

1950	..	..	15
1951	..	..	6
1952	..	..	6
1953	..	..	5
1954	..	..	4

So, it will be observed that gradually the number of accidents as well as the number of freighters involved have been coming down.

Shri Jaipal Singh: Could we have a break-up of these air accidents for the flying clubs. And may we also know which flying club has the largest number of accidents?

Shri Raj Bahadur: I do not have the break-up here. But I am sure a majority of these accidents was to private aircraft and to aircraft which are used for training in the flying clubs.

Shri D. C. Sharma: Do Government contemplate setting up an enquiry committee to go comprehensively into the question of these accidents instead of exploring them piecemeal?

The Minister of Communications (Shri Jagjivan Ram): Whenever there is any accident and if it is a major one, we invariably set up a court of enquiry on which a retired High Court judge or a judge of the High Court presides. And we associate technical experts with that court of enquiry. That court goes into the details of the accident and ascertains the causes. And after they ascertain the causes, we take necessary steps as far as possible to remove those causes of accidents.

I do not think there is any occasion or necessity for an *ad hoc* and complete enquiry into the whole affair. Whenever occasion arises, we do go into those mateters, and that is what we propose to do.

Machinery and Equipment

*1347. **Shri Dabhi:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that machinery and equipment, worth 21,19,222 dollars purchased by Government from the loan taken from the International Bank for Reconstruction and Development are lying unused since 1949;

(b) if so, what was the necessity for the machinery and equipment; and

(c) who are responsible for their purchase without proper planning?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Out of the machinery and equipment ordered by Government from the loan taken from the International Bank for Reconstruction and Development, stock worth 2,23,508 dollars is lying unused from 1949 onwards.

(b) and (c). The matter was gone into by the Estimates Committee and the Zaidi Committee. Their recommendations in regard to fixing the responsibility for unnecessary purchases are under examination.

Shri Dabhi: May I know the terms regarding the repayment of this loan, and the rate of interest thereon?

Dr. P. S. Deshmukh: I must ask for notice. That does not arise out of this question.

Shri Dabhi: What is going to hapen to this machinery?

Dr. P. S. Deshmukh: We are trying our best to dispose of it, and some of it has been disposed of without any loss to us.

Pandit D. N. Tiwary: What part out of this machinery and stock has become usee

Dr. P. S. Deshmukh: I do not believe that any stock has become useless, because I think it is stocked fairly well.

Cane Cess

*1348. **Shri Gidwani:** Will the Minister of **Food and Agriculture** be pleased to lay a statement on the Table of the house showing:

(a) the amount of cess on sugarcane realised by Government from sugar industry, State-wise, during the year 1954-55;

(b) the amount granted for the development of sugar industry during the above period; and

(c) whether there is any scheme for the development of the industry during 1955-56?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) to (c). A statement is laid on the Table of Lok Sabha [*See* Appendix VIII, annexure No. 2].

Shri Gidwani: In the statement it is said:

> "The schemes for sugarcane development initiated in States in 1948-49 are being continued during 1955-56."

May I know the results of those schemes?

Dr. P. S. Deshmukh: The schemes are continuing. I am not in a position to give the exact expenditure incurred. But most States are now admitting the fact that much of this should be spent on affording conveniences to the sugar cane growers, and I think they are spending it on that.

Shri Gidwani: May I know whether any results have been achieved?

Dr. P. S. Deshmukh: I do not know what results my hon. friend means. But all these development schemes have certainly yielded results; and the results are the happy position is reflected in the larger production of sugar and sugarcane this year.

Shri Ramachandra Reddi: May I know the total balance of this cess now available, and whether the cess money is separately accounted for or it goes into the general funds?

Dr. P. S. Deshmukh: I hope hon. Members would realise that the Central Government do not levy any cess. These cesses are levied by various States. And we cannot interfere with them, nor can we keep a watch on the cess money or do anything with that. We are not also in a position to say what the balance is.

Shri Punnoose: Have Government received representations from the sugarcane cultivators in Travancore-Cochin that the only sugarcane industry there is going to be shifted? And may I know whether in those reperesentations they have demanded certain help from Government, and if so, what has been done in the matter?

Dr. P. S. Deshmukh: This is an independent question. So, I would not be able to answer it.

Mr. Speaker: Shri L. N. Mishra.

Shri Punnoose: Out of this cess, there is going to be.....

Mr. Speaker: Order, order. I have called Shri L. N. Mishra.

Shri Punnoose: I want to point out to you that the statement placed on the Table of the House does not make any mention about any help given to that State I want to know what help has been given to that State.

Mr. Speaker: The hon. Member is going into a particular case. This question is of a different type.

Shri Punnoose: But in the statement, there is no mention of Travancore-Cochin State.

Shri L. N. Mishra: May I know whether there is any convention or rule to spend a part of the cess collected on providing transport facilities to the growers? Are Government aware that the growers are experiencing very many difficulties in transporting their cane from the field to the factory?

Dr. P. S. Deshmukh: I do not think any convention exists, but I think the State Government are aware of the inconveniences due to lack of roads and so on, and I think they are making efforts to spend a part of the money on that.

Shri Heda: In the statement, mention has been made of two new schemes: scheme for extraction of sugarcane wax, and scheme for extraction of sugar from waste molasses. May I know where these schemes are being worked?

Dr. P. S. Deshmukh: I must ask for notice.

पर्यटक यातायात (टूरिस्ट ट्रैफिक) काश्मीर

*१३४६. **श्री कृष्णाचार्य जोशी :** क्या परिवहन मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४–५५ में काश्मीर राज्य को, उस राज्य में पर्यटन को प्रोत्साहन देने के लिये, कितनी सहायता दी गई है

(ख) उक्त कालावधि में कुल कितने पर्यटक काश्मीर गये; और

(ग) इस यात्रा से काश्मीर को कितनी आय हुई ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) ९,००० रुपये ।

(ख) ३४,६४५

(ग) ऐसा कोई पक्का आधार नहीं है जिससे यह पता चल सके कि इस बीच काश्मीर को कितना आर्थिक लाभ (monetary gain) हुआ ।

Shri Krishnacharya Joshi: May I know the total number of foreign tourists who visited Kashmir?

Shri Alagesan: I am sorry I do not have the break-up of this figure.

Shri Krishnacharya Joshi: What facilities are being given to those tourists who go to Amarnath?

Shri Alagesan: I do not think we are affording any concrete facilities to the pilgrims who go to Amarnath at present. But the Jammu and Kashmir Government has asked for the construction of a reception hall at Srinagar. This year we have given them a grant of Rs. 3½ lakhs for that purpose.

Waste Lands

*1350. **Shri Jhulan Sinha :** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to starred question No. 676 on the 5th March, 1954 and state whether final assessment has since been made regarding the extent of waste lands available for cultivation in the country?

The Minister of Agriculture (Dr. P. S. Deshmukh): Information is being collected and will be placed on the Table of the Lok Sabha when received.

Shri A. K. Gopalan: No. 1354 as my question. It was to be taken again

the number printed in this list. There are two 1354's here. The number is distinct.

Mr. Speaker: I shall correct the mistake. His question No. 1354 will come in due course later.

Shri Punnoose: This question came up on the 5th March 1954. Nearly a year and a half have elapsed. May I know the reason for this inordinate delay?

Dr. P. S. Deshmukh: We addressed a letter to the State Governments to conduct surveys, as early as April 1953. We have also sent circular letters in November 1954 and April 1955. Some States are not inclined to take up the work as it is likely to involve large expenditure. Certain States have completed surveys and have done some work, and replies are being received.

Shri A. K. Gopalan: May I know whether it is the policy of the Government to allow waste lands to be cultivated by those who come forward to cultivate them?

Dr. P. S. Deshmukh: This is essentially a matter with the State Governments. Wastelands do not belong to the Central Government, but to the State Governments, and I am sure each State Government is considering the best possible utilisation of these lands.

Central Tractor Organisation

*1351. **Shri Bibhuti Mishra:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that a unit of the Central Tractor Organisation has reclaimed land for the rehabilitation of flood-affected people at hiloberi in Dibrugarh Sub-Division (Assam); and

(b) if so, the total area reclaimed so far and the cost incurred per acre?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) A unit of the Central Tractor Organisation has been engaged on land reclamation in the Philoberi area (Dibrugarh Sub-Division) of Assam since last year in connection with the State Government's scheme for rehabilitation of flood-affected people.

(b) About 975 acres have been reclaimed, but this figure is subject to alteration after resurvey. The cost per acre is Rs. 320/- calculated on the above output.

श्री बिभूति मिश्र : क्या सरकार और प्रदेशों में भी जहां बाढ़ से जमीनें कट गई हैं, उन जगहों के रहने वाले लोगों को बसाने के लिये जमीन रिक्लेम करने कोई योजना बना रही है?

डा० पी० एस० देशमुख : फिलहाल तो हमारे पास किसी स्टेट ने ऐसी कोई योजना नहीं भेजी है और न ही हमनें कोई काम हाथ में लिया है ।

श्री बिभूति मिश्र : क्या सरकार को पता है कि फलड्स का सबजेक्ट एक केंन्द्रीय सबजेक्ट है और बाढ़ के कारण बहुत से आदमियों के घर बह गये हैं, अब उनके पास रहने को जगह नहीं है, ऐसी सूरत में क्या सरकार उन की तरफ कोई ध्यान देगी ताकि उन को बसाया जा सके?

डा० पी० एस० देशमुख : जो सवाल है वह आसाम के फिलोवाड़ी इलाके के बारे में है । क्योंकि आसाम की सरकार ने हम से प्रार्थना की थी और उसकी प्रार्थना करने पर ही हम ने इस काम को शुरू किया था । इसी तरह अगर कोई और सरकार चाहेगी कि हम इस काम को हाथ में लें तो उस पर भी ध्यान दिया जायगा ।

श्री एम० एल० द्विवेदी : क्या यह सच है कि सेंट्रल ट्रेक्टर आर्गेनाइजेशन के जरिये जो जमीन तोड़ी गई है उस के रेट में अब तो कमी कर दी गई है लेकिन जिन की जमीन पहले तोड़ी गई थी उन से उस रकम की वसूली बड़ी सख्ती से की जा रही है और इसमें कोई कमी नहीं की जा रही है?

डा० पी० एस० देशमुख : यह सवाल उस सवाल से अलग है, जो कि पूछा गया है ।

पंडित डी० एन० तिवारी : अभी माननीय मंत्री जी ने बताया कि यदि उन का ध्यान आकर्षित कराया जाये तो और योजनायें भी बनाई जा सकती हैं । क्या मैं जान सकता हूं कि क्या मंत्री जी को मालूम है कि बिहार में और खासकर बिहार के सारन जिले में बहुत से गांव दरिया में कट कर चले गये हैं और उन गांव के लोगों को

बसाने के लिये जमीन नहीं है । क्या वहां जमीन को रिक्लेम कर के उनको बसाने का कोई प्रबन्ध किया जायेगा ?

खाद्य और कृषि मंत्री (श्री ए० पी० जैन) : मैं चाहता हूं कि आनरेबल मेम्बर सी० टी० ओ० का जो काम है उसको अच्छी तरह समझ लें । जब कोई राज्य सरकार यह चाहती है कि किसी जमीन को तोड़ दिया जाये तो उसकी उजरत लेकर सी०टी० ओ० तोड़ देता है । आसाम की सरकार ने यह चाहा था कि कुछ जमीन को उजरत लेकर तोड़ दिया जाये, उसको तोड़ा जा रहा है । अगर और राज्य सरकारें हमारे पास इस किस्म की दरख्वास्त करेंगी तो हम जरूर तोड़ने में उनकी मदद करेंगे ।

Export of Husks

*1352. **Shri K. P. Sinha:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that Government have decided to export husks of all pulses including those of gram;

(b) if so, the quantity so far exported; and

(c) the names of the countries to which these were exported?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) and (c). A statement is laid on the Table of the Lok Sabha. [*See* Appendix VIII, annexure No. 3]

Shri K. P. Sinha: May I know what is the money value of these exports?

Dr. P. S. Deshmukh: I have not got the figures.

Shri K. P. Sinha: May I know the name of the port from which they have been mostly exported.

Dr. P. S. Deshmukh: The largest amount seems to have gone from Madras. The quantity is 301 tons. Next is Tuticorin with 166 tons, then Bombay 163 tons and Calcutta 50 tons.

Shri T. N. Singh: May I know if the Government are aware of a shortage of fodder for cattle in the country, and this husk, being a feeding ingredient of cattle, needs to be controlled so far as export is concerned

Dr. P. S. Deshmukh: We are aware that we should give to our cattle as much fodder as possible, and from this point of view we may say that there is a shortage. But we have also other circumstances and factors to take into account, that is, the prices of these grains and so on. We thought that by allowing this husk, for which there was not much of a demand, to be exported, the prices may look up.

श्रीमती कमलेन्दु मति शाह : मैं यह जानना चाहती हूं कि क्या हमारे मुल्क में दालों इत्यादि का हस्क सरप्लस है जिस से कि हम इसको एक्सपोर्ट करने जा रहे हैं ?

डा० पी० एस० देशमुख : क्योंकि पल्सिज और अनाज इत्यादि काफी ज्यादा पैदा हुआ है इस वजह से यह सरप्लस कहा जा सकता है ।

क्षति पूर्ति के दावे

*१३५३. **श्री भागवत झा आजाद** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि १९५४–५५ में चोरी गये माल की क्षति-पूर्ति के रूप में रेलवे ने कितना धन दिया ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : खोये और चुराये हुये माल की क्षतिपूर्ति के लिये १९५४–५५ में रेलों ने १४८.१७ लाख रुपये दिये ।

श्री भागवत झा आजाद : क्या मंत्री महोदय बता सकते हैं कि १९५३–५४ में जो मुआवजा दिया गया था उसको दृष्टि में रखते हुये १९५४–५५ में जो मुआवजा दिया गया उसमें वृद्धि हुई है या कमी हुई है ?

रेलवे तथा परिवर्तन मंत्री (श्री एल० बी० शास्त्री) : कमी हुई है ।

श्री भागवत झा आजाद : क्या आप यह बता सकते हैं कि जो रकम मुआवजे में दी गई है उस में से कितनी रकम कोर्ट की डिक्री होने के कारण दी गई और कितनी बाहर आप ने अपनी असुविधा के कारण दी है ?

श्री एल० बी० शास्त्री : इतना ब्योरा तो हमारे पास नहीं है ।

श्री भागवत झा आजाद : क्या यह बात सत्य है कि रेलवे अधिकारी बगैर किसी अपवाद के सभी केसिस को कोर्ट में जाने देते हैं और जब सरकार उन पर काफी खर्च कर चुकती है तो उसके बाद उन लोगों को बाहर बुलाकर किसी खास अभिप्राय से उन से समझौता कर लिया जाता है ।

श्री एल० बी० शास्त्री : जी नहीं । अगर माननीय सदस्य आंकड़े देखेंगे तो पायेंगे कि बहुत ही कम मामले अदालत में जाते हैं और जो जाते हैं, उनमें से अधिकतर को वे ही लोग ले जाते हैं, जिनका माल होता है । वे आखिरी वक्त तक कोशिश करते रहते हैं कि रेलवे से ज्यादा से ज्यादा मिले और जब नहीं मिलता है, तो वे मामले को कोर्ट में ले जाते हैं ।

Cyclone

*1354. **Shri A. K. Gopalan:** Will the Minister of **Transport** be pleased to state:

(a) whether Government are aware that as a result of the cyclone which hit Malabar in May 1955, vessels in the West Coast (Arabian Sea) were destroyed and cargoes sunk; and

(b) whether it is a fact that adequate facilities do not exist to warn the seagoing vessels and country crafts against such cyclones and to move such vessels to places of safety in the event of cyclone ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) Facilities exist at ports to warn seagoing vessels against cyclones and whenever any deterioration in weather is expected, the appropriate signals are invariably hoisted.

Shri A. K. Gopalan: May I know whether it has come to the notice of the Government that about 60 persons belonging to the Laccadive Islands had been str nded on the mainland due to the storm and they requested the Government for transport facilities ?

Shri Alagesan: We are not aware of this particular happening. The question relates to facilities at ports for seagoing vessels against storms, cyclones etc. I am prepared to look into the matter if the hon. Member passes on the information.

Shri Damodara Menon: May I know whether the Government have under consideration any proposal for the development of B zpur on the Malabar coast as a port where small vessels and country craft can take shelter in rough weather ?

Shri Alagesan: What is the question, Sir ?

Mr. Speaker: Whether there is any proposal for the development of any port on the Malabar cost for these vessels to take shelter during rough wheather ?

Shri Damodara Menon: My question was whether the Government have any proposal to develop B zpur which is on the Malabar coast where small vessels can take shelter during rough weather.

Shri Alagesan: I am not aware of that. All the sailing vessels can take shelter in the ports whenever they are in the major or minor ports. But when they are out on the sea, and since they do not have wireless equipment it is not possible for them to get the wireless messages that are broadcast from the coast.

Shri Damodara Menon: The point is, on the Malabar coast no port has facilities for smaller vessels to take shelter during rough weather. Is it not a fact that the report on the development of minor ports has suggested the d v lopment of Bezpur as a port where medium sized vessels can take shelter ?

Shri Alagesan: There is a report on the subject by an officer of ours. Perhaps he may have included this port also. He went into the question of the development of the minor ports in the country and he has listed various minor ports coming under the various States. Perhaps, this is one which he has included in that report. I am not at present able to say.

Shri Punnoose: May I know....

Mr. Speaker: Order, order. Next question.

Shri Punnoose: I wanted to get some facts about. . . .

Mr. Speaker: On each question there has to be some limitation of time. We have to cover the maximum number of questions.

Shri Punnoose: May I submit in this particular case we did not get an account of the damage ?

Mr. Speaker: On every question every Member has some important point to get from his point of view.

Foot Bridge at Sonepur

*1355. **Pandit D. N. Tiwary:** Will the Minister fo **Railways** be pleased to refer to the assurance given by him during the discussions on his Budget speech about the construction of a foot over-bridge at Sonepur Junction Station (North Eastern Railways) and state:

(a) when the construction work of this bridge is likely to begin; and

(b) whether estimates and plan for this have been finalised?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Some time during the current financial year.

(b) Yes, Sir.

Pandit D. N. Tiwary: May I know whether estimates etc. have been prepared and whether the work is to begin soon?

Shri Alagesan: The answer to that was, 'Yes'. The estimated cost is about Rs. 45,000 and we hope to finish the construction before the financial year is over.

National Savings Certificates

*1359. **Dr. Rama Rao:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that some Ration Shop dealers in Sompet, Srikakulam District, Andhra, presented their National Savings Certificates to Postal authorities in Sompet in order to have refund of the amount deposited by them as security;

(b) if so, when these certificates were presented to Postal authorities;

(c) whether their amount has since been refunded; and

(d) if not, the reasons therefor?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) Eight dealers presented in March 1954; three in May 1954; and one in March 1955.

(c) No.

(d) The certificates were irregularly pledged to non-gazetted government officers in contravention of Post Office National Savings Certificates Rules, 1944.

Dr. Rama Rao: Am I to understand that these owners will not get anything for the certificates?

Shri Raj Bahadur: The rule is that if the certificates have to be pledged, the authority for the same has to be taken not from a non-gazetted officer but from a gazetted officer and, if that is not done, the certificates pledged, will be deemed to have been irregularly pledged. It has been held in conslutation with the Ministry of Law, however, that they may be discharged with some payment for the period during which they had been locked, but they may not earn interest.

Dr. Rama Rao: In view of the fact that non-gazetted officers have taken the responsibility of authorising it instead of gazetted officers, will the Government take action against those non-gazetted officers and see that the owners of the certificates do not lose any money?

Shri Raj Bahadur: Ignorance of rules of law will not be a valid excuse.

Opening of Ernakulam-Kottayam Section

*1360. **Shri A. M. Thomas:** Will the the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the Ernakulam-Kottayam section of the Ernakulam Quilon Railway line will not be opened this year as scheduled;

(b) if so, the reasons therefor; and

(c) when the above line will be opened?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) Delay in the supply of girders and Rails.

(c) The Ernakulam-Kottayam Section is expected to be opened to traffic by about September 1956.

Shri A. M. Thomas: There was an assurance by the hon. Minister in his Budget speech itself that this section will be opened this year. When that assurance was given, was there an assurance of the supply of these materials and, if so, why is it that the line could not be opened this year itself?

Shri Alagesan: These is no breach of assurance at all. We would like to open it as quickly as possible. As far as the rest of the work, namely, putting up embankments etc. is concerned, all that is over and we really wanted to open this first section by the end of this year. But I should like to give a figure which will give the story as to why our plans could not be fulfilled. We were to have been supplied about 4,000 tons of steel by the Tatas, perhaps, a year back. Up till now we have received 10 per cent supply.

Central Jute Committee

*1361. **Shri L. N. Mishra:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 858 on the 7th December 1954 and state:

(a) whether the Indian Central Jute Committee has since been reconstituted;

(b) if so the personnel and the functions of this Committee; and

(c) the manner of its constitution?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Not yet.

(b) and (c). Do not arise.

Shri L. N. Mishra: Are Government aware of the fact that when this question was tabled in December last the Minister said that the primary object was to increase the representation of the growers and to see that additional representation is given to the growers? If so may I know why due representation is not being given to the growers' interests?

Dr. P. S. Deshmukh: It is not correct. We proposed to give the growers increased representation from 7 to 15 which is more than double. We are not in a position to order the Jute Committee because it is a registered society. But we have referred it for acceptance to the India Central Jute Committee which is likely to meet in September and I think the amendment will, in all probability, be accepted.

Shri L. N. Mishra: May I know how these 15 members will be chosen whether they will be nominated or elected from the organisations of the growers?

Dr. P. S. Deshmukh: I think the provision generally is that the proposals are received from the State Governments for filling the growers' representation and the Central Government selects from their recommendations.

Shri N. B. Chowdhury: May I know in case the society does not accept the recommendations of the Government to increase the number of growers representatives what is the Government's proposal to see that a sufficient number of growers' representatives are on the boards?

Dr. P. S. Deshmukh: We do not expect the committee to be unreasonable. And in addition to what I said in reply to my friend Shri Mishra's question I may say that for the first time three representatives of Parliament would also be there who would in all probability, be elected.

Shri L. N. Mishra: Are Government aware that nomination by the State Government has been the long prevalent practice and the growers' organisations have opposed it and have given a suggestion that the growers' organisations should be given representation and have Government considered that suggestion?

Dr. P. S. Deshmukh: While making the recommendation the State Governments I am sure would take notice of any well-organised society.

Shri Bhagwat Jha Azad: The hon. Minister has said that the committee is not expected to be unreasonable. May I know if the Government has examined the evidence given before the Central Jute Committee and is it not a fact that all the arguments given before this committee have been in favour of the manufacturers and there is not one in favour of the growers?

Dr. P. S. Deshmukh: My hon. friend has merely described the need for amending the consitution of the committee.

Night Telephone Calls

*1362. **Shri K. P. Tripathi:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that trunk calls from Tezpur to Dhekiajuli, Mangaldai, Tangla in Assam and *vice versa* are not permitted after 6 P.M.; and

(b) if so the reasons therefor and the action proposed to be taken in the matter?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, in case of Tezpur-Dekhiajuli calls; No, in case of Tezpur-Mangaldai and Tezpur-Tangla calls.

(b) Due to the number of connections from the aforesaid exchanges being very small the working hours have to be restricted as otherwise the exchanges would prove non-remunerative.

Arrangements to extend the working hours of the Dekhiajuli exchange to 10-0 P. M. are being made. Round the clock working at the 3 exchanges will be introduced when there is increase in the number of subscribers.

Shri K. P. Tripathi: In places where such connections exist and where equal privileges are not obtainable as in the rest of India does Government consider the question of giving some rebates?

Shri Raj Bahadur: The question of rebate hardly arises. The services are given on prescribed rentals and prescribed rates for calls. I may for the information of the hon. Member say that at Dhejkiajuli the number of connections is sixteen only.

Shri K. P. Tripathi: Is it a fact that this line generally remains out of order? I do not know whether it is due to rains or

whether it is due to floods or other causes but, generally it remains out of order. Will the Government consider whether those people are entitled to some rebate for this purpose?

Shri Raj Bahadur: In Assam we find that the elements are very often in fury on account of which our cost of maintenance is large and the number of breakdowns is high and it is really very difficult to keep the service intact always.

Passenger Amenities

*1364. **Shri J. R. Mehta:** Will the Minister of **Railways** be pleased to state:

(a) whether Government are aware that there is heavy inflow of dust in the Railway compartments of the trains running between Delhi and Jodhpur particularly on that part of the track which lies in the Bikaner Division;

(b) if so whether Government propose to provide some sort of ballasting on this track; and

(c) whether there is any proposal to make the railway compartments dust-proof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) The Railway Administration's policy to provide stone ballast on lengths where dust nuisance is severe is being implemented on a programme basis.

(c) No, Sir.

Shri J. R. Mehta: May I know whethere the hon. Minister has considered the question of providing rubber lining to the window frames in the trains as an effective and cheap method of meeting this menace?

Shri Alagesan: The dust nuisance is really a thing which has to be avoided but this question was gone into and it was found that unless we make *pucca* air-conditioned arrangements it is not possible to prevent this menace altoghether by any other method short of air-conditioning.

Shri J. R. Mehta: May I know whether the hon. Minister has considered how far the trails carried by the outgoing trains from Rajasthan are responsible for the spread of the desert?

Shri Alagesan: I do not think that the desert comes out of the train, but the dust comes out of the desert.

Rural Health Schemes in Hyderabad

*1365. **Shri H. G. Vaishnav:** Will the Minister of **Health** be pleased to state:

(a) the amount asked for by the Hyderabad Government for implementing their Health and water supply schemes in rural areas under the National Water Supply and Sanitation Schemes during 1955-56;

(b) whether a similar Grant was made during 1954-55;

(c) if so the details of the schemes implemented by the State Government?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Rs. 11.75 lakhs for Water Supply and Sanitation Schemes.

(b) Yes. Rs. 13.0 lakhs.

(c) The requisite information is being collected and will be placed on the Table of the Lok Sabha in due course.

Shri H. G. Vaishnav: May I know on what basis these grants are given?

Shrimati Chandrasekhar: According to the scheme that is submitted by the State Government, grants are given by the Centre.

Shri H. G. Vaishnav: May I know whether the grants given in the previous years have been spent by the State Government?

Shrimati Chandrasekhar: Only after receiving the progress reports from the State Government on the payment of the money from the Central Government, we issue the next instalment.

Shri H. G. Vaishnav: May I know whether the State Government submitted any concrete schemes when they requested for grants for the current year?

Shrimati Chandrasekhar: Only on receiving concrete schemes of the State Government, we sanction the amount.

Shri S. C. Samanta: May I know whether this sum granted by the Centre may be spent separately for water supply purposes and also for drainage and sewage?

The Minister of Health (Rajkumari Amrit Kaur): The water supply schemes are linked up with drainage and sewage.

Exchange of Rolling Stock between India and Pakistan

*1367. **Shri Gadilingana Gowd:** Will the Minister of **Railways** be pleased to state:

(a) whether the Government of Pakistan has implemented the agreement arrived at between India and Pakistan in November, 1953 regarding the exchange of certain items of Railway rolling stock; and

(b) if not, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). The question of implementing the agreement reached in November 1953 does not arise, as this agreement was superseded by the subsequent agreement reached in December 1954.

Shri Gadilingana Gowd : May I know the number of rolling stock which is in our possession and should have been exchanged ?

Shri Alagesan : I do not have details of these. But they were allotted to India and Pakistan and they were to be exchanged even in November 1953 as per that agreement, but the agreement did not take effect. There were some difficulties and the assets could not be exchanged. There was a further agreement, as I said, in December 1954 when it was recognised that there was no use in exchanging the assets and they were allowed to remain where they were stationed.

Shri U. M. Trivedi : May I know if the balance was always in favour of Pakistan ?

Shri Alagesan : It is rather difficult for me to answer this question, but we have to recognise facts.

Calcutta Suburban Train Service

*1368. **Shri H. N. Mukherjee** : Will the Minister of **Railways** be pleased to state the progress made so far regarding the construction of a circular railway in Calcutta ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : The Circular Railway forms a future stage of the scheme of Calcutta Suburban Electrification. No decision has been taken regarding its construction.

Shri H. N. Mukherjee : Does Government realise that the delay in electrification as well as in regard to the circular railway which was announced several times in fairly authoritative pronouncements is causing a great deal of difficulty as far as the development of the suburbs is concerned ?

Shri Alagesan : If I may say so, we have got a giant scheme of electrification for the Calcutta area. The first instalment has been taken in hand already and it is progressing well—that relates to the electrifiction of Howrah-Burdwan main line and also Tarkeshwar Branch. Besides, the circular railway is put down for electrification, but it is very much down below and I do not know whether it will be possible to take it up in the near future.

Shri H. N. Mukherjee : Can the hon. Minister give us any idea as to whether electrification will actually take place by the middle of 1957 ?

Shri Alagesan : There were certain indications given on the floor of the House during the budget discussion, but I do not remember the date now ; perhaps it is by the end of 1957. This should not be taken as an assurance as I only say this subject to correction.

Shri N. B. Chowdhury : May I know whether this electrification scheme will be extended to Kharagpur ?

Shri Alagesan : That also is there. It is very much down below in the list.

Ticketless Travelling

*1369. **Shri Sanganna** : Will the Minister of **Railways** be pleased to state :

(a) whether the new system of checking ticketless travelling recommended by the Indian Railway Delegation which recently visited the European countries has been introduced in the Eastern and the South Eastern Railway Zones ; and

(b) if so, how the system is working ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) The system is being tried out as an experiment on the Calcutta-Delhi Janata Express on the Eastern Railway.

(b) Results so far obtained in this experiment are inconclusive.

Shri Sanganna : May I know what sort of system is introduced in these two railway zones for checking ticketless travel and how it is working ?

Shri Alagesan : This was one of the recommendations made by the Railway Officers Team which visited the U.S.S.R. and they proposed that in addition to the existing arrangements, one T.T.E. should be posted for every two coaches for long distance trains. That is the experiment that is referred to.

Shri Sanganna : May I know the number of cases of ticketless travel that have been detected during last year in these two zones and the amount of railway earnings involved ?

Shri Alagesan : I have got figures from March to June 1955. The number of cases detected is 1702 and the average earnings per month come to more than Rs. 6,000.

Shri V. Muniswamy : May I know whether this system involves any additional expenditure to Government ?

Shri Alagesan : We have to post additional T.T.Es. and that involves certain expenditure.

सरदार ए० एस० सहगल : क्या मैं जान सकता हूं कि इंडियन रेलवे डैलीगेशन जिन्होंने कि दूसरे देशों का भ्रमण किया था और उन्होंने जो भी सिफ़ारिशें रेलवे विभाग से की थीं, उन सभी सिफ़ारिशों को मान्यता दी गई है ?

Shri Alagesan : This is certainly going beyond the question. Certain recommendations of theirs have been given effect to and certain others are still under consideration.

Own Your Telephone Scheme

*1370. **Shri Ajit Singh** : Will the Minister of **Communications** be pleased to state :

(a) whether Government are aware of the fact that lot of delay is taking place in the installation of new telephone connections under the "Own Your Telephone" scheme in Delhi, even after the requisite deposits have been made by the intending subscribed ; and

(b) if so, the reasons therefor ?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) The average delay in giving connections after deposits are received is about a week.

(b) There are however some cases where it has taken longer to provide connections due to (*i*) shortage of line stores (*ii*) hiring contracts are sometime not being returned after signature or are not properly executed, resulting in delays.

Shri Ajit Singh : May I know who is responsible for the interest on Rs. 2,000 from the date of deposit to the date of installation ?

Shri Raj Bahadur : As I have said it takes about a week. We send a demand asking the intending subscriber to make a deposit of Rs. 2,000 only when we have got the spare capacity in the exchange.

Shri Ajit Singh: May I know whether the Minister is aware of the fact that in many cases even months after the deposit it is not installed ? What about this period during which telephone is not installed ? Will it come to 20 years plus this period ?

Shri Raj Bahadur : 20 years from the date of the installation of the telephone.

Shri C. D. Pande : This was a measure adopted in times of scarcity when there were no instruments. Government has now assured us that there is now plentiful supply of instruments. If so, what is the reason of continuing this system and imposing an onerous burden on the subscribers ?

The Minister of Communications (Shri Jagjivan Ram) : It is not only shortage of intruments, which I am glad to announce we are manufacturing in large numbers. As a matter of fact we are exploring avenues of export of these instruments. It is the shortage of exchange equipment and transmission equipment that stands in our way which we are not as yet manufacturing and are not self-sufficient. As the situation improves we go on withdrawing the O.Y.T. system. In several cities we have done that. I am at present examining the scheme whereby even in those cities where there is still a shortage of telephone numbers, the amount of the 'Own Your Telephone' should be reduced further.

श्री एम० एल० द्विवेदी : क्या मैं जान सकता हूं कि वे कौन कौन से शहर हैं जिनमें टेलीफोन के सम्बन्ध में २००० रुपये लेने की शर्त उठा ली गयी है ?

श्री राज बहादुर : लिस्ट तो इस समय मेरे पास नहीं है, लेकिन यह शर्त उन शहरों से उठा ली गयी है जहां कि टेलीफोन संख्या पर्याप्त हो गयी है ।

श्री एम० एल० द्विवेदी : वे कौन कौन से शहर हैं ?

श्री जगजीवन राम : नोटिस देने पर बतलाया जा सकता है ।

Tourist Centres

*1371. **Shri T. Subrahmanyam** : Will the Minister of **Transport** be pleased to state :

(a) whether Hampi and the Tungabhadra Project in the Bellary District have been included in the short term plan formulated for the development of tourist centres ; and

(b) if so, the nature of the development proposed to be undertaken there ?

The Deputy Ministry of Railways and Transport (Shri Alagesan) : (a) and (b). It has since been decided to have only a Five Year Plan as part of the general Second Five Year Plan. Certain important works particularly Buddhist pilgrimage centres have, however, been selected for development in 1955-56. Hampi and Tungabhadra are not included among these works.

Shri T. Subrahmanyam: In view of the large number of tourists and pilgrims visiting these places, is it under the consideration of the Government to put up a large size hotel in Kamalapur village situated at the entrance of Hampi?

Shri Alagesan: We have framed a fairly ambitious plan which is in fact before the Planning Commission. I wish it comes out unscathed.

Shri T. Subrahmanyam: In view of the heavy traffic, is it under the consideration of the Government to have cement and tar roads in this area?

Shri Alagesan: These are all going into details. If the Planning Commission is good enough to approve our entire plan, we will be able to do a lot during the next five years.

Shri Thimmaiah: May I know the other places in Mysore State included in the large plan for the development of tourist centres?

Shri Alagesan: I do not have the names of the places with me but places in Mysore are included.

Dr. Rama Rao: While many of the tourist centres are important from the tourists standpoint, what is the reason for excluding a very historically important place like Hampi?

Shri Alagesan: I did not say that they are excluded. I only said that in this year we have taken the works relating to centres of Buddhist pilgrimage in view of the 2500th birth anniversary of Lord Buddha. Other places are being included in the bulk plan.

Registration Charges

*1372. **Shrimati Sucheta Kripalani:** Will the Minister of **Railways** be pleased to state:

(a) whether any representation against the Order issued recently by the District Traffic Superintendent, Southern Railway, Bangalore, regarding the refund of registration fee for wagons and the issuing of new registration slips has been received from the Mine Owner's Association, Mysore State; and

(b) if so, the action taken or proposed to be taken thereon?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) The condition imposed in the order restricting the registration of demands for wagons by traders at one station only has been relaxed and instead registrations are now permitted at three stations. Also, further relaxation is under consideration.

Railway Lines

*1373. **Sardar Iqbal Singh:** Will the Minister of **Railways** be pleased to state:

(a) whether there is any proposal for the extension of railway lines in the area to be covered by the network of Bhakra Canal: and

(b) if so, the nature of the proposal and the names of the lines which are to be constructed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(*b*) A list is placed on the Table of the House [*See* Appendix VIII, annexure No. 4]. No decision has yet been taken to construct any of these lines.

Sardar Iqbal Singh: May I know whether these lines will be included in the Second Five Year Plan?

Shri Alagesan: It is too early to say.

अतिरिक्त विभागीय कर्मचारी संघ

*१३७४. **श्री भक्त दर्शन** : क्या **संचार** मंत्री २८ अप्रैल, १९५५ को दिये गये तारांकित प्रश्न संख्या २६६३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या तब से डाक व तार विभाग के अतिरिक्त विभागीय कर्मचारियों के संघ बनाने के बारे में कोई अन्तिम निर्णय किया गया है; और

(ख) यदि हां, तो उसका ब्योरा क्या है ?

संचार उपमंत्री (श्री राज बहादुर) : (क) जी नहीं ।

(ख) यह प्रश्न नहीं उठता ।

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि कितने समय से इस प्रश्न पर विचार हो रहा है और अभी विचार पूरा होने में कितना समय और लगेगा ?

श्री राज बहादुर : समय का लगना तो प्रश्न के महत्व पर निर्भर करता है । माननीय सदस्य को विदित होगा कि जहां तक

इन अतिरिक्त विभागीय डाक कर्मचारियों का सम्बन्ध है उनमें केवल बाहर के आदमी ही नहीं हैं बल्कि उनमें बहुधा राज्य सरकारों के भी कर्मचारी हैं। उनको हम यूनियन में शामिल कर सकते हैं या नहीं इस प्रश्न का सम्बन्ध होम मिनिस्ट्री से भी है और ला मिनिस्ट्री से भी है। दोनों से परामर्श करके ही हम इस विषय में निर्णय कर सकते हैं। किन्तु अन्तर्कालीन समय के लिये हमने यह निर्णय कर लिया है कि जो आल इंडिया पोस्टल एम्पलाईज क्लास यूनियन है उसमें जो इसी दरजे के अतिरिक्त विभागीय कर्मचारी हों वह शामिल हो सकते हैं।

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि जिन अतिरिक्त विभागीय कर्मचारियों का किसी वर्ग विशेष से सम्बन्ध नहीं है, जैसे कि जो अध्यापक नहीं हैं या रिटायर्ड गवर्नमेंट सरवेंट नहीं हैं, उनको किसी भी यूनियन में शामिल होने में क्या अड़चन या प्रतिबन्ध है ?

श्री राज बहादुर : जो कोई भी नियम बनाया जाय वह ऐसा होना चाहिये कि जो सब पर व्यापक रूप से लागू हो सके। एक ही वर्ग के कर्मचारियों पर भिन्न भिन्न नियम लागू करना हितकर और न्याय-संगत नहीं होगा। इसलिये हम इस प्रश्न का निर्णय टुकड़ों में नहीं कर सकते। इसका एक समूचे रूप में निर्णय करना होगा।

Shri A. M. Thomas : When the Communication Ministry's demands were discussed last time and the service conditions of the extra-departmental staff were raised, the hon. Minister assured us that the question will be re-examined. May I enquire wheher any decision has been arrived at?

The Minister of Communications (Shri Jagjivan Ram) : There is a conflict between the two. Either you have expansion of postal facilities in the rural areas at a rate which will be commensurate with the loss to the public Exchequer or you assure the same service conditions to the employees of the extra-departmental offices which obtain for the regular departmental employees. If you want to ensure the same service conditions, perhaps it will not be possible to have a large expansion of the postal facilities in the rural areas. All the same, this matter is engaging our attention and it is possible that something can be done for this staff.

श्री भक्त दर्शन : क्या गवर्नमेंट के ध्यान में यह बात आयी है कि अतिरिक्त विभागीय कर्मचारियों का एक संगठन बन गया है और उसका हैडक्वार्टर लखनऊ में है, और क्या मैं जान सकता हूं कि उस संगठन को कोई मान्यता प्रदान की जा रही है ?

श्री राज बहादुर : ऐसे किसी संगठन को अभी तक मान्यता प्रदान नहीं की गयी है।

गंदी बस्तियों के सुधार की योजना

*१३७६. **श्री नवल प्रभाकर** : क्या **स्वास्थ्य** मंत्री यह बताने की कृपा करेंगी कि :

(क) क्या यह सच है कि दिल्ली राज्य सरकार ने दिल्ली के कुछ क्षेत्रों की गन्दी बस्तियों का सुधार करने के लिये केन्द्रीय सरकार को एक योजना भेजी है; और

(ख) यदि हां, तो उस पर अनुमानित व्यय कितना होगा ?

स्वास्थ्य उपमंत्री (श्रीमती चन्द्रशेखर) : (क) जी, नहीं।

(ख) यह प्रश्न नहीं उठता।

श्री नवल प्रभाकर : क्या मैं जान सकता हूं कि सन् १९५१ में जो इम्प्रूवमेंट ट्रस्ट इन्क्वायरी कमेटी बनायी गयी थी और उसने जो सिफारिशें गन्दी बस्तियों को हटाने के सम्बन्ध में की थीं उनको कहां तक कार्यान्वित किया गया है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : इसके बारे में यह कह सकती हूं कि यह कमेटी

बिठाई गयी थी और उसने अपनी रिपोर्ट दी थी। उस पर सोच विचार हुआ है। उसने जो सुझाव दिया था कि एक विशेष आथारिटी दिल्ली में बने जो कि स्लमक्लियरेंस का काम करे और इमारतों की देखभाल करे, उस पर केबीनेट में सोच विचार हो रहा है।

श्री नवल प्रभाकर : क्या मैं जान सकता हूं जैसा कि अभी मंत्री महोदय ने कहा है कि एक उच्च अधिकार वाली समिति बनाने का विचार है, तो मैं जानना चाहता हूं कि वह उच्च-अधिकार समिति कब तक बन जायगी और कब तक कार्य करने लगेगी ?

राजकुमारी अमृत कौर : मुझे पूरी आशा है कि अगले सेशन में वह बिल लोक सभा के सामने पेश हो जायगा।

Shri Thimmaiah: May I know whether any financial help is given to different State Gvernments for the purpose of slum clearance ?

Rajkumari Amrit Kaur: That will depend on what the Planning Commission does in regard to the requests that are put up to them by the States.

Sugar

*1378. **Shri D. C. Sharma:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the total production of sugar during the year 1954-55 and the target fixed for that year; and

(b) the target fixed for the year 1955-56 ?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). The total production of sugar upto 22nd August, 1955, during 1954-55 season, was 15.85 lakh tons. The target of 15 lakh tons initially fixed in the First Five Year Plan for sugar production was revised last year to 18 lakh tons to be achieved by 1955-56.

Shri D. C. Sharma: May I know whether in view of the abnormal conditions prevailing in some parts of India, the target which has been fixed for 1955-56 will be achieved, and if not, what efforts are being made so that the target can be achieved ?

Dr. P. S. Deshmukh: All the efforts are already there and we expect, unless something goes wrong specially, that we might probably exceed the production of this year during 1955-56.

Shri D. C. Sharma: May I know whether, in view of the conditions prevailing in the country at this time, there is going to be any revision so far as the prices of sugar are concerned ?

The Minister of Food and Agriculture (Shri A. P. Jain): We are not controlling the price of sugar.

Shri Kasliwal: In a recent speech at Bangalore the hon. Minister is reported to have said that there was more cane grown in the country than that could be crushed. May I know whether, in view of this, the target fixed for the year 1955-56 will be reduced ?

Shri A. P. Jain: What I said was that in certain parts of the country there is more of cane available than can be crushed by the factories. That is a fact, but that does not necessarily mean any revision of target.

श्री एम० एल० द्विवेदी : मैं मंत्री महोदय से जानना चाहता हूं कि सन् ५२-५३, ५३-५४, की तुलना में सन् ५४-५५ में चीनी के उत्पादन में कितने प्रतिशत की बढ़ोत्तरी हुई है ?

श्री ए० पी० जैन : सन् ५२-५३ में चीनी का उत्पादन १२.९७ लाख टन रहा, सन् ५३-५४ में १०.०१ लाख टन रहा जब कि सन् १९५४-५५ में १५.८५ रहा।

Dining Cars

*1379. **Shri Dabhi:** Will the Minister fo **Railways** be pleased to state:

(a) whether the suggestion made by him in his last Budget Speech namely, that priority should be given to the replacement and re-equipment of dining cars has been given effect to; and

(b) if so, in what manner and to what extent ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The designs of the Dining and Restaurant Cars have been finalized and Railways have been instructed to construct the Dining and Restarurant Cars to these designs on to priority.

Shri Dabhi : May know whether, with a view to respecting the sentiments of vegetarian passengers, arrangements are going to be made in the dining cars to serve vegetarian and non-vegetarian meals in separate

Shri Alagesan: The sentiments have been fully taken note of and partitions have been provided.

Shri Dabhi : May I know when these dining cars are going to be replaced as far as the Western Railway is concerned?

Shri Alagesan: We have asked the various Railways to construct immediately 19 cars and as soon as these are ready we will replace some on the Western Railway too.

शिकायत संगठन (कंप्लेन्ट्स आर्गनाइजेशन)

*१३८०. **श्री कृष्णाचार्य जोशी:** क्या **संचार** मंत्री यह बताने की कृपा करेंगे कि :

(क) जनवरी से जून १९५५ तक शिकायत संगठन के पास कितनी शिकायतें प्राप्त हुई हैं; और

(ख) कितनी शिकायतें निबटायी गई हैं ?

संचार उपमंत्री (श्री राज बहादुर) : (क) ३,७०,९७९.

(ख) ३,८५,१३६.

(इस संख्या में जनवरी, १९५५ से पहले प्राप्त हुई शिकायतें शामिल हैं) ।

श्री कृष्णाचार्य जोशी : क्या मैं जान सकता हूं कि इस समिति के सदस्य कौन होते हैं ? यदि सरकारी होते हैं तो वे किस हैसियत के होते हैं ?

श्री राज बहादुर : यह तो सरकार का एक छोटा महकमा है जो कि डाइरेक्टर आफ़ पोस्ट आफ़िसेज़ एंड टलीग्राफ के तत्वाधान में काम करता है ।

श्री कृष्णाचार्य जोशी: क्या मंत्री महोदय यह बतला सकेंगे कि यह जो जांच करते हैं, उसका क्या प्रोसीड्योर होता है ?

श्री राज बहादुर : जांच जो होती है वह हर एक केस के ऊपर आधरित है । जैसा केस होता है, वैसी ही उसकी जांच की जाती है । अगर वह डाक में किसी चिट्ठी की देरी से पहुंचने की जांच है तो भिन्न भिन्न डाकखानों में जहां से कि वह चिट्ठी गुजरी है, वहां कम्प्लेंट अफिसर जाकर जांच करते हैं आदि, आदि ।

श्री कृष्णाचार्य जोशी : कम्प्लेंट सही साबित होने पर ज्यादा से ज्यादा क्या सजा है ?

श्री राज बहादुर : यह भी केस की गम्भीरता के ऊपर है । अगर कोई रक़म गबन करने का केस होता है तो उसमें मुकदमा भी चलाया जा सकता है और जेल भी हो सकती है ।

Sugar Manufacture

*1381. **Shri Jhulan Sinha:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government are aware of the discovery of a new method of manufacturing cheaper and high quality of sugar in New Orleans (U.S.A.); and

(b) if so, whether Government propose to have a detailed study of the new method by some Indian Research scholars for its adoption in India ?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes, but the process is still in an experimental stage.

(b) Researches on the subject are already being conducted at the National Chemical Laboratory, Poona, and the Indian Institute of Sugar Technology, Kanpur.

Shri Jhulan Sinha : May I know what are the results of the experiments held at Poona ?

Dr. P. S. Deshmukh : The researches have not led us to any definite conclusion so far. Primarily it appears that the process is likely to be uneconomical because the chemicals used are not available in India and have to be imported.

Aerodrome at Kozhikode

*1382. **Shri A. K. Gopalan :** Will the Minister of **Communications** be pleased to state when the work on the proposed aerodrome in Kozhikode (Malabar District, Madras State) will commence ?

The Deputy Minister of Communications (Shri Raj Bahadur): It is not proposed to construct an aerodrome at Kozhikode in the near future.

Shri Damodara Menon: Is it not a fact that the hon. Minister some time ago made a statement saying that Kozhikode was included in the list of places where aerodromes will be constructed?

Shri M. S. Gurupadaswamy: He has changed his mind.

Shri Raj Bahadur: I could not follow the question.

Mr. Speaker: He says that the Minister made a cerain statement some time back in which Kozhikode was mentioned.

Shri Raj Bahadur: No such statement has been made.

Sugarcane Cultivation

*1383. **Pandit D. N. Tiwary**: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that for want of rains from April to June, 1955 the prospect of sugarcane crop has become bleak this year; and

(b) the estimated decrease in the out-put of sugarcane for the next season *i.e.* 1955-56?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) No. The condition of the standing sugarcane crops is reported to be generally satisfactory.

(b) It is rather early to give a forecast of production but if all goes well production of sugarcane in the next season is expected to show some increase over the current year's production.

पंडित डी० एन० तिवारी : क्या मैं जान सकता हूं कि जिन जिन प्रान्तों में ऊख का उत्पादन होता है, वहां पर शुगरकेन का उत्पादन औसतन पहले से ज्यादा होगा या कम होगा ?

डा० पी० एस० देशमुख : हर एक सूबे की निस्बत तो इस वक्त मैं नहीं कह सकता, लेकिन अगर आमतौर से टोटल प्रोडक्शन की तरफ ध्यान दिया जाय तो पहले से इस साल ज्यादा एवरेज है जिससे मैं आशा करता हूं कि पहले की अपेक्षा अब की अधिक शुगरकेन पैदा होगा।

पंडित डी० एन० तिवारी : खास तौर से मैं बिहार प्रान्त की बाबत जानना चाहता हूं कि वहां पर इस साल शुगरकेन के प्रोडक्शन के प्रोस्पेक्ट्स अच्छे हैं या खराब हैं ?

Dr. P.S. Deshmukh: I ask for notice to answer that question.

Shri Bhagwat Jha Azad: In the light of the figure of production just now given by the hon. Minister, could I know what would be the gap between the production and the demand at present in the country?

The Minister of Food and Agriculture (Shri A. P. Jain): It would be too early to answer that question.

Shri Bhagwat Jha Azad: The production figure is already given. I want to know the difference between the demand and production.

Shri A. P. Jain: Does the hon. Member want it for this year?

Shri Bhagwat Jha Azad: For future year.

Shri A. P. Jain: The consumption is expected to be anything between 17 lakh and 18 lakh tons.

Telephone Connections

*1386. **Shri K. P. Tripathi**: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that a proposal to connect the Stations on Tezpur-Rangiya route by telephone is under the consideration of Government; and

(b) if so, when the work will commence?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) Steps have been taken to procure the requisite control telephone equipment and a firm demand for the line wires has been placed on the Posts & Telegraphs Department. The work is expected to be completed in about a year's time.

Shri Bhagwat Jha Azad: Could the hon. Minister tell us if there are such important railway junctions—I do not mean railway stations—like Sahibganj where there is no telephone connection?

Shri Alagesan: I do not know about Sahibganj.

Shri Bhagwat Jha Azad: I said "like Sahibganj".

Shri Alagesan : I could not exactly follow the question, Sir.

Shri Bhagwat Jha Azad : I want to know if there are still such railway junctions—not stations—which are not connected by telephone ?

Shri Alagesan : There may be, but all those stations will be connected by telephones on a programme basis. That is the answer.

SHORT NOTICE QUESTION

North East Frontier Agency

S. N.Q No. 9. Shri M. S. Gurupadaswamy : Will the **Prime Minister** be pleased to state :

(a) whether it is a fact that the administration of some parts of the Tuensang frontier division of N.E.F.A. has been transferred to the military since the 28th August, 1955 and is directly controlled by the Defence Ministry; and

(b) if so, what is the immediate cause in this transfer of authority ?

The Prime Minister and Minister of External Affairs (Shri Jawahar lal Nehru) : (a) and (b). No. There is no truth in this report. There has been no transfer of the administration to Military in the Tuensang Frontier Division of the N.E.F.A.

Shri M.S. Gurupadaswamy : May I know whether it is a fact that an army unit was sent recently to this frontier division and, if so, what is the purpose for which it was sent ?

Shri Jawaharlal Nehru : I believe I have made a statement in the House, before it was sent, stating that it was going to be sent and explaining the purpose for which it was being sent.

Shri H.N. Mukerjee : May I know if, in view of the Prime Minister's recent visit to Assam, his conversations with certain people representing the tribes who inhabit the North-East Frontier Agency or at least people who are related to the tribes and are resident there, have given him any idea as to the improvement state of things in that part of the country ?

Shri Jawaharlal Nehru : When I was in Shillong recently, naturally I enquired and tried to find out from such sources as I could, officially and other, about the state of affairs in the N.E.F.A., and elsewhere, but I had no conversations with the persons coming from the N.E.F.A. in regard to the matter relating to this question. The persons who met me came from the autonomous districts which had nothing to do with this.

WRITTEN ANSWERS TO QUESTIONS

U.S. Medical Degrees

*1356. **Dr. Satyawadi** : Will the Minister of **Health** be pleased to refer to the reply given to starred question No. 1135 on the 17th March, 1955 and state :

(a) whether any final decision has since been taken on the question of awarding recognition by the Indian Medical Council to the Indian medical graduates with Post-Graduate Degrees from U.S.A.; and

(b) if so, the nature of the decision taken ?

The Minister of Health (Rajkumari Amrit Kaur) : The matter is being pursued but no decision has yet been taken.

(a) it is the Government of India that recognises post-graudate degrees and not the Indian Medical Council.

(b) Does not arise.

Slum Clearance Schemes

*1357. **Dr. Ram Subhag Singh** : Will the Minister of **Health** be pleased to state the action taken by the Central Government on the recommendations made by the Conference of the State Local Self-Government Ministers held at Simla from the 25th to the 27th June 1954 relating to Slum Clearance Schemes ?

The Minister of Health (Rajkumari Amrit Kaur) : The recommendations made by the Second Conference of Local Self Government Ministers held in 1954 regarding slum Clearance Schemes was not accepted in its entirety by the Government of India. The First Meeting of the Central Council of Local Self-Government held at Simla in June 1955 however passed a resolution reiterating the earlier recommendation and this resolution was later endorsed by the Housing Ministers' Conference held in Simla in June 1955. The matter is being further examined by the Government of India.

Radio-Telephone Service

*1358. **Chaudhri Muhammed Shaffee** : Will the Minister of **Communications** be pleased to lay on the Table of the House a statement showing :

(a) the names of the countries with which the direct radio-telephone service has been started since January 1955 ;

(b) the total amount spent on it ; and

(c) the names of the countries with which direct radio-telephone service is expected to be opened during the course of this year ?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) to (c). I lay on the Table a statement giving the required information. [*See* Appendix VIII, annexure No. 5.]

Shipping Clauses in Trade Agreements

*1363. **Shri Matthen** : Will the Minister of **Transport** be pleased to state :

(a) whether it is a fact that certain Shipping Clauses incorporated in some of the Trade Agreements executed with foreign countries remain in-effective ;

(b) if so the reasons therefor; and

(c) the steps taken to see that these clauses are implemented ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) to (c). The question as to how these shipping clauses can be made more effective in practice is under discussion with the Shipping Companies.

Newton Chikoli Colliery Disaster

*1366. **Shri T. B. Vittal Rao** : Will the Minister of **Labour** be pleased to refer to the reply given to Starred question No. 385 on the 3rd August 1955 and state :

(a) the findings of the Court of Enquiry appointed to find out the causes of the Newton-Chikoli Colliery disaster ;

(b) the action taken by Government on the Report ; and

(c) when the report will be published ?

The Minister of Labour (Shri Khandubhai Desai) : (a) The Court is of the view that the accident was caused by the inrush of a huge quantity of water which had accumulated in the adjoining abandoned mine for many years. The Manager has been held responsible for the mishap. A copy of the Report of the Court of Inquiry is placed on the Table of the Lok Sabha [*Placed in Library. See* No. S-294/55.]

(a) The report is under the consideration of Government.

(c) It is likely to be published in the next issue of the Gazette of India.

Prevention of Cruelty to Animals Enquiry Committee

*1377. **Shri M. Islamuddin** : Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether it is a fact that the Committee for Enquiry for Prevention of Cruelty to Animals met on the 21st August 1955 to discuss the question of export of monkeys in the light of latest reports received regarding cruelties perpetrated on them in foreign countries ; and

(b) if so the decisions taken in that meeting ?

The Minister of Food and Agriculture (Shri A. P. Jain): The Committee met on the 19th August 1955 (and not on the 21st August) to discuss among other things the cruelty experienced by monkeys exported from India.

(b) the only decision taken was to collect more data on the subject.

Landless Labourers

*1384. **Dr. Satyawadi** : Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to starred question No. 1026 on the 10th December 1954 and state :

(a) whether any schemes for the resettlement of landless labourers have since been submitted by the Punjab and PEPSU Governments ;

(b) if so the details thereof; and

(c) the amount asked for by each of them ?

Minister of Food and Agriculture (Shri A. P. Jain.) : (a) No, Sir.

(b) and (c). Do not arise.

Health Insurance Scheme for Seamen

*1385. **Dr Ram Subhag Singh** : Will the Minister of **Transport** be pleased to state :

(a) whether Government propose to introduce a Health Insurance or some such Scheme for Indian Seamen; and

(b) if so when this scheme will come into force ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). The question of introducing a Social Insurance Scheme for Indian Seamen is under consideration. It cannot be said with any certainty at this stage when the scheme will actually be the brought into force.

Civil Aviation Department Employees

*1387. **Shri T. B. Vittal Rao:** Will the Minister of **Communications** be pleased to state :

(a) whether it is a fact that Government propose to provide concessional air travel facilities to the employees of the Civil Aviation Department : and

(b) if so, when this proposal will materialise ?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) No such proposal is under consideration.

(b) Does not arise.

Baraset-Hasnabad Rail Link

*1388. **Shri H.N. Mukerjee:** Will the Minister of **Railways** be pleaseed to state:

(a) whether his attention has been drawn to a press statement of the Chief Minister of West Bengal to the effect that a broad gauge railway line is expected to run from Baraset to Hasnabad *via* Beliaghata in three years' time; and

(b) if so, whether such expectation is warranted by facts ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir.

(b) The present position is that a preliminary Engineering and Traffic survey has been ordered.

Employees' Provident Fund Act, 1952

*1389 **Shri D.C. Sharma:**
Dr Ram Subhag Singh:
Shri K. C. Sodhia:

Will the Minister of **Labour** be pleased to refer to the reply given to starred question No. 2427 on the 20th April, 1955 and state the names of the industries to which the Employees' Provident Fund Act, 1952 is to be extended during 1955-56 ?

The Minister of Labour (Shri Khandubhai Desai): The matter is still under consideration.

Standard Menu

*1390. **Shri Dabhi;** Will the Minister of Railways be pleased to state:

(a) whether the standard menu recommended by the Alagesan Committee has now been evolved on the basis of regional tastes and requirements with a view to satisfying the passengers in all parts of the country; and

(b) if so, the details thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan) (a) Not yet, Sir,

(b) Does not arise.

Ghat Service

*1391. **Pandit D. N. Tiwary ;** Will the Minister of **Railways** be pleased to state:

(a) whether there has been any diversion of Railway lines between Sonepore and Palezaghat Railway Stations on the North Eastern Railway in June, 1955;

(b) if so, the reasons therefor, and the expenditure incurred on shifiting of the Ghat:

(c) whether the new line is working satisfactorily;

(d) whether it is a fact that on 10th July, 1953 there was a derailiment of goods wagons and passengers from Palezaghat to Sonepore had to go on foot; and

(e) whether any refund was allowed to the passengers ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir. There has been a diversion of Railway line between Sonepore and Palezaghat stations and the Ghat had to be shifted to a new site with effect from 30-6-55.

(b) The previous ghat site became unsuitable and shifting was necessary in the interest of safety. Expenditure involved in the last ghat shift was about Rs. 40,000/-

**(c) Yes.

**(d) Yes; there was a derailment of a goods wagon. There was no complaint that passengers had to go on foot to Sonepore.

**(e) Does not arise in view of answer to Part (d) above.

**These parts were later added by the Deputy Minister of Railways and Transport *vide* Part II Debates dated 22-9-55 ,

Recruitment

702. Shri Karni Singhji: Will the Minister of **Railways** be pleased to state:

(a) the number of applications for appointment to class III posts in the Northern Railway with particular reference to Bikaner Division in 1952-53 and 1953-54; and

(b) the total number called for interview and the number of those selected?

The Deputy Minister of Railways and Transport (Shri Alagesan):(a) and (b). Required information in respect of the Northern Railway as a Whole is appended below:

Particulars	1952-53	1953-54
1. No. of applications received . .	25583	79531
2. Total No. Called	4293	6876
3. Total No. Selected	1446	2564

Separate date in respect of Bikaner Division or the two years is not available, as the same is not maintained by the Railway Service Commission.

Railway Employees

703. Shri Ramji Verma; Will the Minister of **Railways** be pleased to state the policy followed by Railways in the matter of grant of extensions of service to officers in the various grades beyond the age of 55 years?

The Deputy Minister of Railways and Transport (Shri Alagesan): Extension of service is not granted to officers occupying cadre posts, save in exceptional circumstances, the needs of public service being met by re-employment of the persons, who have completed 55 years. In the case of persons occupying ex-Cadre posts, extension or re-employment is considered on the merits of each case.

Tele-Communication Building

704. Shri M. Islamuddin: Will the Minister of **Communications** be pleased to state when the Tele-Communication building that is being constructed at Katihar in the District of Purnea (Bihar) will be completed?

The Deputy Minister of Communications(Shri Raj Bahadur): The new building is likely to be completed during 1957.

Unemployment in Bihar State

705. Shri M. Islamuddin: We the Minister of **Labour** be pleased to state the number of graduates, undergraduates, matriculates and others registered in the Employment Exchanges in Bihar State during the year 1954-55?

The Minister of Labour (Shri Khandubhai Desai). No. registered during the period April 54 to March 1955.

Graduates—3,404, Under gruaduates193,156
Matriculates—19,453, Others—1,09,045
Total 1,35,058.

Ambala Post-Offices

706. Shri D. C. Sharma: Will the Minister of **Communications** be pleased to state the total amount of rent paid per month for the buildings acquired to house the sub post-offices in the Ambala District?

The Deputy Minister of Communications (Shri Raj Bahadur): A sum of Rs. 1,156-13-0 (One thousand one hundred and fifty-six and annas thirteen) is being paid as rent per month for buildings acquired to house the Sub-Post Offices in Ambala District.

Watch and Ward

707. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state:

(a) the total loss to Railway property and goods due to thefts on the Northern Railways during 1951-52, 1952-53 and 1953-54;

(b) whether any of the Watch and Ward men were proceeded against for theft during these years (i) departmentally (ii) in courts; and

(c) if so, their number?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (c). A statement is attached herewith [*See* Appendix VIII, annexure No. 6].

(b) Yes.

Hindi Telegrams

708. Shri D. C. Sharma Will the Minister of **Communications** be pleased to state:

(a) the number of new post offices in Punjab where arrangements for receipt

and despatch of telegrams in Hindi in Devnagari script were made during 1954 ; and

(b) the number of telegrams set and received in Hindi in the post offices of that State during the same period ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Forty.

(b) During the year 1954 the number of Hindi telegrams sent and received in the telegraph offices in the Punjab are as follows :—.

No. of telegrams sent	2,466
No. of telegrams received	3,684

Shortage of Wagons

709. Shri Bibhuti Mishra : Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that senior officers of the Northern, Central and North Eastern Railways, met in Kanpur during April 1955 to devise means for meeting the demand for wagons by trade ; and

(b) if so, the decisions arrived at the meeting ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) Yes.

(b) A statement is herewith attached [*See* Appendix VIII, annexure No. 7].

Cancers

710. Shri Raghunath Singh : Will the Minister of **Health** be pleased to state whether it is a fact that victims of Atomic Radiation are liable to get cancer of the blood ?

The Minister of Health (Rajkumari Amrit Kaur) : Yes. Victims of Atomic Radiation are liable to get leukemia which may, in lay language, be termed cancer of the blood.

रेलों पर अपराध

७११. श्री रघुनाथ सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि १९५५ में अब तक चलती रेलों में चोरी की कितनी घटनायें हुई ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) ३०-६-१९५५ तक २,५३० ।

बौद्धों की तीर्थ यात्रा

७१२. सेठ गोविन्द दास : क्या परिवहन मंत्री यह बताने की कृपा करेंगे कि १९५४-५५ में कितने बुद्ध यात्री विदेशों से भारत आये और भगवान् बुद्ध की २५०० वीं जयन्ती के अवसर पर कितने विदेशी बुद्ध यात्रियों के भारत आने की सम्भावना है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : पर्यटकों के आने की संख्या विदेशी पर्यटकों (Foreign tourists) के धर्म के अनुसार नहीं रखी जाती । इसलिये यह बताना सम्भव नहीं है कि इनमें से सन् १९५४-५५ में कितने विदेशी बौद्ध यात्री आये थे । यह अनुमान लगाना भी सम्भव नहीं है कि कितनी संख्या में बौद्ध यात्रियों की सन् १९५६ की बुद्ध जयन्ती के अवसर पर आने की आशा है । लेकिन यह उम्मीद की जाती है कि यात्री काफ़ी बड़ी संख्या में आयेंगे ।

Overseas Communication Service

713. Shri S. C. Samanta : Will the Minister of **Communicatons** be pleased to state :

(a) the number of new transmitting and receiving stations installed during the Plan period so far for the Overseas Communication Service;

(b) the estimated expenditure incurred threreon ;

(c) the number of technical and auxiliary buildings constructed at the existing stations ; and

(d) whether the target for the whole plan period will be achieved ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) One transmitting station and one receiving station have been installed at Calcutta.

(b) Rs. 23,25,674/-.

(c) Two.

(d) Yes, according to present indications the target is likely to be achieved

Dighwara Station

714. Pandit D. N. Tiwary : Will the Minister of **Railways** be pleased to refer to the reply given to Starred question

No. 868 on the 14th March, 1955 and state :

(a) whether it is a fact that the construction of a third class watiting shed is proposed to be undertaken at Dighwara Station on the North Eastern Railway ; and

(b) whether the plan and estimates for the same have been prepared ?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Yes, Sir.

Forged Tickets

715. Shri S. C. Samanta : Will the Minister of **Railways** be pleased to state :

(a) the number of cases of forged monthly tickets detected on the Howrah-Kharagpur Section of the Eastern Railway since 1947 ;

(b) the number of cases in which the culprits were punished ;

(c) whether the persons official or non-official who detected these cases and helped in the prosecution were rewarded ; and

(d) the nature of the rewards that are generally given to the railway employees in such cases ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) Four.

(b) Two.

(c) In one case, a letter of commendation was issued to the railway employee concerned.

(d) Generally, alertness and sense of responsibility shown by the railway employees in such cases, if of outstanding nature, are suitably commended and recorded in the Service Records.

Employees State Insurance Fund

716. Shri Gidwani : Will the Minister of **Labour** be pleased to state :

(a) the total amount of contributions made by the labour and employers in the Employees' State Insurance Fund during the years 1953-54 and 1954-55 in Delhi and Kanpur;

(b) the expenditure incurred on the various benefits during the above period; and

(c) the number of labourers registered in these cities on the 31st March, 1955 ?

The Minister of Labour (Shri Khandubhai Desai): (a) and (b). A statement giving the required information is attached [*See* Appendix VIII, annexure No. 8].

(c) On the 31st March, 1955, 82669 persons were insured in the Delhi State and 1,47,915 in the Kanpur area.

Factories Act

718. Chaudhri Muhammed Shaffee: Will the Minister of **Labour** be pleased to state:

(a) the total number of strikes in institutions, factories and firms governed by the Indian Factories Act, 1948 since the 1st May, 1955;

(b) the causes of these strikes and the period for which they lasted in each case; and

(c) the total loss involved in each case ?

The Minister of Labour (Shri Khandubhai Desai): (a) to (c). Information is available only for the month of May, 1955. There were 79 strikes in factories involving a loss of 2,74,243 man-days. The matters in dispute generally related to wages, dearness allowance, bonus, holidays and reinstatement of discharged or dismissed workers.

सहकारी समितियां

७१८. श्री अमर सिंह डामर : क्या **खाद्य और कृषि** मंत्री १७ मार्च, १९५४ को दिये गये तारांकित प्रश्न संख्या ११११ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि प्रथम पंचवर्षीय योजना को कार्यान्वित करने के लिये किन-किन राज्यों ने सहकारी समितियों की सेवाओं का उपयोग किया है ?

खाद्य और कृषि मंत्री (श्री ए० पी० जैन) : पहली पंचवर्षीय योजना की पूर्ति के लिय बहुत सी राज्य सरकारों ने जहां तक हो सका किसी न किसी नमूने में को-ओपरेटिव सोसाइटियों की सेवाओं से काम लिया है । नीचे दिखलाये हुए राज्यों ने यह जवाब दिया है कि कोओपरेशन से सम्बन्ध रखने वाली पहली पंचवर्षीय योजना की सिफारिशों की पूर्ति करने के लिये वे मुमकिन कार्यवाही कर रहे हैं :

१. आन्ध्र
२. आसाम

३. भोपाल
४. बिहार]
५. बम्बई
६. दिल्ली
७. हैदराबाद
८. हिमाचल प्रदेश
९ कच्छ
१०. मद्रास
११. मध्य भारत
१२. मध्य प्रदेश
१३. उड़ीसा
१४. पेप्सू
१५. पंजाब
१६. राजस्थान
१७. त्रावन्कोर-कोचीन
१८. विन्ध्य प्रदेश
१९. पश्चिम बंगाल

Central Vegetable Breeding Station, Nagar

719. **Shri Hem Raj** : Will the Minister of **Food and Agriulture** be pleased to state the amount spent on the Central Vegetable Breeding Station and Vegetable Research Sub-station at Nagar (Kulu) during the years 1952-53, 1953-54 and 1954-55?

The Minister of Food and Agriculture (Shri A. P. Jain) : The Central Vegetable Breeding Station and the Vegetable Research Sub-Station, Nagar (Kulu) are the same.

The figures of expenditure in respect of these are given below:—

	Rs.
1951-52 . . .	58,334
1952-53 . . .	60,805
1953-54 . . .	57,193
1954-55 . . .	57,715

Iron

720. **Pandit D. N. Tiwary**: Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether the allotment of iron and steel for agricultural purposes is made to the various States on the basis of the population of agriculturists or on some other considerations; and

(b) the quantities of iron and steel allotted for agricultural purposes to the various States in the second and third quarters of 1955 ?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). Statement is attached. [*See* Appendix VIII annexure No. 9].

Agro-Economic Research Centres

721. **Shri M. Islamuddin** : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the number of Agro-economic and Farm Management Research Centres established by Government so far; and

(b) the places where they are located?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Four Centres for Agro-Economic Research and six for Farm Management studies.

(b) Agro-Economic Research Centres are located at:

1. Delhi School of Economics, Delhi University, Delhi.
2. Visva-Bharati Institute, Santiniketan, West Bengal.
3. Gokhale Institute of Politics and Economics, Poona.
4. University of Madras, Madras.

Farm Management Studies are being undertaken in the following States:

State	*Head quarters*
1. Bombay . .	College of Agriculture, Poona.
2. Punjab . .	College of Agriculture, Ludhiana.
3. U.P. . .	Agricultural College, Kanpur.
4. West Bengal .	Indian Central Jute Committee, Calcutta.
5. Madhya Pradesh	Directorate of Agriculture, Nagpur.
6. Madras .	University of Madras, Madras.

Settlement of Khas Lands

722. **Shri Biren Dutt** : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the number of petitions received so far by the Government of Tripura

from the tribal people for the settlement of *Khas* land; and

(b) in how many cases the settlement has been arrived at?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) 4,065 applications were received during 1954-55.

(b) In respect of 818 cases settlement was granted during 1954-55.

Sub-way at Guntur

723. Shri S. V. L. Narasimham: Will the Minister of **Railways** be pleased to state:

(a) whether the Municipal Committee, Guntur, has deposited the cost of widening the sub-ways on the East of the Eastern cabin of Guntur Railway Station;

(b) if so, whether the work has commenced; and

(c) if not, when the work is likely to be commenced and completed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir. The Guntur-Municipality have deposited a sum of Rs. 86,800/- for reconstructing the Railway Bridge No. 1 on Guntur-Tenali Broad Gauge line and Bridge No. 499/A on Bezwada-Guntakal Metre Gauge line for use as subways for public traffic.

(b) and (c). The temporary girders required for the work have just been received and the work will be started shortly. Every endeavour is being made to complete the work as early as possible.

Railway Employees

724. Shrimati Renu Chakravartty: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the staff working in the office of the "Railway Staff Benefit Fund" in the Eastern and North-Eastern Railways are not entitled to gratuity after retirement from service, as other Railway employees are; and

(b) if so, the reason therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes. The reference is apparently to the persons on either Railway (19 on N.E. Rly. and 75 on Eastern Rly.) who are employed exclusively for the purposes of the Fund; there is no separate "office" as such of the Railway Staff Benefit Fund.

(b) These persons are not railway staff proper, but are employees of the staff Benefit Fund Committee which, though administering a fund built out of railway revenues, is not strictly part of the Railway Administration. The conditions of service of these persons are not, therefore, the same as of Railway servants, but are such as are determined by the Committee with due regard to all considerations including what money is available in the Fund.

Passenger Amenities

725. Shri K. P. Tripathi: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Government propose to provide better waiting rooms, raised platforms, light and water in the Stations of Tezpur, Rangapara, Majbhat and Tangla; and

(b) if so, when the work will be undertaken?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) (i) There is no proposal to provide better waiting rooms at Tezpur, Rangapara North, Majbhat and Tangla Stations. The existing waiting rooms at these stations are considered adequate for the present.

(ii) A raised platform is being provided at Tezpur during the current financial year, while Rangapara North and Tangla are in the advance amenities programmes for 1957-58.

(iii) Electric lighting arrangements exist at Tezpur and high power lamps are being provided at other stations.

(iv) Water taps at Tezpur and Rangapara North and hand-pumps at North Majbhat and Tangla already exist.

(b) The requirement of passenger amentities at all the stations on Rangiya-Tezpur Section is being assessed and items of work will be included from year to year in consultation with the Passenger Amenities Committee according to the urgency of requirements and the availability of funds.

Forest Laws (Tripura)

726. Shri Dasaratha Deb: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that Government propose to amend the existing Forest laws of Tripura; and

(b) if so, when?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No.

(b) Does not arise.

Hindi Telegrams

727. Shri H. G. Vaishnav : Will the Minister of **Communications** be pleased to state :

(a) the number of telegraph offices in Hyderabad State where telegrams are received and despatched in Hindi; and

(b) the steps taken to make Hindi telegrams popular there?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) Nine.

(b) Following action is taken to popularise this service:—

(1) Greetings telegrams in Hindi introduced from 1-7-50.

(2) Sending of telegrams in any Indian language if written in Devnagari Script from 1-7-50.

(3) Registration of abbreviated addresses in Hindi effective from 1-1-53.

(4) Hindi telegraph forms have been made available to all concerned.

(5) Greetings telegram, pictorial forms and envelopes will be made available to all concerned in near future for use in Greetings and De Luxe services.

(6) Working hours of offices handling Hindi telegrams are changed to suit the public.

(7) Illiterate members of public are assisted by the counter clerks of telegraph offices for writing their telegrams in Hindi.

(8) Notices and posters are displayed in offices dealing with Hindi telegrams.

(9) Slogans are impressed on telegraph envelopes sent out for delivery emphasizing liberal issue of Hindi telegrams.

(10) The method of charging for Hindi telegrams has been modified in consultation with the Hindi Sahitya Sammelan and other Hindi Associations.

Detention of a Dakota in Srinagar

728. Shri M. S. Gurupadaswamy : Will the Minister of **Communications** be pleased to state :

(a) whether it is a fact that a Delhi bound Dakota of the Indian Airlines Corporation was held up for more than two hours in Srinagar on the 25th July, 1955; and

(b) if so, the causes thereof ?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) Yes, Sir.

(b) The delay was due to a special check of the aircraft necessitated by the fact that the fire alarm system in the aircraft while operating the service from Delhi to Srinagar showed a fire warning for fire in the port engine just before landing. It later on transpired that the fire alarm signal was false and had been caused by an electrical short circuit.

Yoga Therapeutics

729. Babu Ramnarayan Singh : Will the Minister of **Health** be pleased to state whether Government are aware of the efficacy of "Yoga Therapeutics", an ancient natural system of drugless healing which cures physical ailments?

The Minister of Health (Rajkumari Amrit Kaur) : As far as the efficacy of Yogic exercises is concerned the consensus of opinion is that they are good. But in the matter of Yoga Therapeutics as a system which cures physical ailments the Government of India have no authentic scientific evidence to prove the claim.

औषधि भंडार संगठन

७३०. श्री के० सी० सोधिया : क्या **स्वास्थ्य** मंत्री यह बताने की कृपा करेंगे कि :

(क) औषधि भंडार संगठन द्वारा किन-किन संस्थाओं को औषधियां बांटी जाती हैं :

(ख) औषधि निर्माण की आवश्यक सामग्री किन देशों से आयात की जाती है ;

(ग) १९५४–५५ में किन-किन देशों से यह सामग्री आयात की गई और उसका मूल्य कितना था; और

(घ) उक्त कालावधि में भारत में कितने मूल्य की औषधि सामग्री खरीदी गई ?

स्वास्थ्य मंत्री (राजकुमारी अमृतकौर): (क) उन सभी संस्थाओं के नाम जिनकी कुल संख्या ७,५९० है बताना मुमकिन नहीं है । उनमें सरकारी अस्पताल और दवाघर, सरकारी विभाग, रेलवे व गैर सरकारी संस्थायें, जैसे म्युनिसिपल दवाघर, जिला

बोर्ड दवाघर, मिशन अस्पताल व खैराती दवाघर शामिल हैं ।

(ख) बाहर से मंगाई गई pharmaceutical दवायें सिर्फ यू० के० से ही मंगाई जाती हैं ।

(ग) १९५४–५५ में मैडिकल स्टोर संगठन की जरूरियात के लिये बाहर से आई हुई (pharmaceutical) दवायें यू० के० से मंगाई गई थीं । इनकी कुल क़ीमत जो ३१ जुलाई, १९५५ तक मैडिकल स्टोर डिपो, कलकत्ता, बम्बई, मद्रास व करनाल के खर्चे में लिखी गई है ६,५३,६३८ रुपये है ।

(घ) १९५४–५५ में मैडिकल स्टोर संगठन के लियें भारत में खरीदी गई दवाओं की क़ीमत, जो ३१ जुलाई, १९५५ तक मैडिकल स्टोर डिपो के नाम पर लिखी गई है, ५८,२९, ५७७ रुपये है ।

कृत्रिम गर्भाधान केंद्र

७३१. **श्री के० सी० सोंधिया** : क्या **खाद्य और कृषि** मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य प्रदेश में अब तक कितने कृत्रिम गर्भाधान केन्द्र खोले गये और वे कहां कहां खोले गये :

(ख) १९५४–५५ में उन केन्द्रों के लिये मध्य प्रदेश सरकार को कितनी वित्तीय सहायता दी गई ;

(ग) वहां पर और केन्द्र खोलने के लिये क्या कोई व्यवस्था की गई है ;

(घ) यदि हां, तो उनकी संख्या क्या है, और वे कहां खोल जायेंगे : और

(ङ) इन केन्द्रों की कार्य-प्रणाली के बारे में राज्य सरकार से केन्द्रीय सरकार को क्या कोई रिपोर्ट प्राप्त होती है ; और यदि हां, तो पिछली रिपोर्ट कब प्राप्त हुई थी ?

खाद्य और कृषि मंत्री (**श्री ए० एम० जैन**) : (क) चौदह—यह नीचे दिखाये स्थानों पर खोले गये हैं :

अखिल भारतीय योजना

१. तेलनखेडी
२. ग्वार्री
३. खरंगना
४. बुल्दाना
५. वरसेओनी
६. जगदलपुर
७. सरकन्दा
८. सीतापुर

राज्य योजना

९. नागपुर
१०. बोरगांव
११. चन्दखुरी
१२. पवारखेड़ा
१३. सिन्देवाही
१४. वरुड

(ख) १,१६,२७० रुपये, जो कि अखिल भारतीय योजनाओं के कुल खर्चे का ५० प्रतिशत है । राज्य योजना के केन्द्रों के लिये कोई सहायता नहीं दी जाती है ।

(ग) तथा (घ) जी हां । राज्य सरकार आठ और केन्द्र खोलना चाहती है और उनके स्थापन के लिये स्थानों के सर्वे का काम जारी है।

(ङ) जी हां—२२ अगस्त, १९५५ को ।

शटल ट्रेन

७३२. **श्री राम शंकर लाल** : क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि यात्रियों की भीड़ कम करने के लिये क्या गया, गोरखपुर और गोंडा के बीच शटल ट्रेन चलाने का कोई विचार है ?

रेलवे तथा परिवहन उपमंत्री (**श्री अल-गेशन**) : इस समय गोंडा और गोरखपुर के बीच शटल गाड़ी चलाने का कोई विचार नहीं है ।

गोरखपुर पूर्वोत्तर रेलवे की मीटर लाइन का स्टेशन है और गया पूर्व रेलवे की बड़ी लाइन का । इन दोनों स्टेशनों के बीच की दूरी १६७ मील है--१५१ मील मीटर लाइन और ४६ मील बड़ी लाइन । बीच में नाव से नदी पार करनी पड़ती है । इसलिये इसका ठीक-ठीक पता नहीं चलता कि इस सुझाव का मतलब क्या है ।

Restoration of Dismantled Lines

733. Ch. Raghubir Singh : Will the Minister of **Railways** be pleased to refer to the reply given to starred question No. 1377 on the 1st July, 1952 and state whether Government propose to restore the Agra-Bah dismantled Railway line during the Second Five Year Plan.

The Deputy Minister of Railways and Transport (Shri Alagesan): No decision in regard to Railway lines to be taken up during the Second Five Year Plan period has yet been arrived at.

Tundla Railway Station

734. Ch. Raghubir Singh : Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Government propose to construct an overbridge at Tundla Railway Station for the convenience of passengers; and

(b) if so, when?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) During the current financial year.

Bone Crushing Factories

735. Sardar Iqbal Singh : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the total number of factories engaged at present in bone crushing in India;

(b) how many of them prepare bonemeal; and

(c) which State produces the most?

The Minister of Food and Agriculture (Shri A.P. Jain): (a) 87, inclusive of 3 for the setting up of which licences were issued some time back.

(b) Almost all the factories produce bonemeal as the main product while others do so as a by-product.

(c) No accurate statistics are available but it is gathered that West Bengal produces the most.

नई दिल्ली में सड़कों के नये नाम

७३६. **श्री भक्त दर्शन :** क्या **स्वास्थ्य** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि सरकार नई दिल्ली की कुछ मुख्य सड़कों के, जिनके अभी अंग्रेजी नाम हैं, नये नाम रखने का विचार करती है ;

(ख) यदि हां, तो विभिन्न सड़कों के लिये चुने गये नामों का ब्यौरा क्या है ; और

(ग) इस बारे में नई दिल्ली म्युनिसिपल कमेटी को किस प्रकार की हिदायतें दी गई हैं ?

स्वास्थ्य मंत्री (राजकुमारी अमृतकौर) : (क) तथा (ख). नई दिल्ली की सड़कों के नाम बदलने का अधिकार नई दिल्ली म्युनिसिपल कमेटी को है । अब तक उसने दो मुख्य सड़कों किंग्जवे व क्वीन्सवे के नाम क्रमशः राजपथ व जनपथ रखने के लिये एक प्रस्ताव पास किया है ।

(ग) इस बारे में नई दिल्ली म्युनिसिपल कमेटी को कोई हिदायतें नहीं दी गई हैं ।

डाक व तार घर

७३७. **श्री आर० सी० शर्मा :** क्या **संचार** मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य भारत में अप्रैल, १९५४ से जुलाई १९५५ तक कितने डाक व तार घर खोले गये ;

(ख) मार्च, १९५६ तक इस राज्य में किन किन स्थानों पर डाक और तार घर खोले जायेंगे ; और

(ग) किन-किन स्थानों पर चालू वर्ष में टेलीफोन की सुविधाओं की व्यवस्था की जायेगी ?

संचार उपमंत्री (श्री राज बहादुर) :

(क) डाक घर	७३
तार घर	१५

(ख) तथ (ग), कृपया साथ में लगा विवरण देखिये [**दक्षिय परिशिष्ट ८, अनुबन्ध संख्या १०**]।

Potato Cultivation

738. Shri Janardhan Reddy : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the area under potato cultivation in the country till the end of May, 1955;

(b) whether there was any increase in the area as also in the output of potato as compared to the previous years; and

(c) if not, the reasons therefor?

The Minister of Food and Agriculture (Shri A.P. Jain): (a) According to the All-India Second Estima e of Potatoes, 1954-55, which is the latest estimate available at present, the area under potato cultivation in the country till the end of May, 1955 was 639,000 acres.

(b) According to the Estimate referred to previously, while there has been a slight increase in the area under potato cultivation in 1954-55 as compared to the corresponding adjusted estimate for the previous year, there ha been a slight decrease in production.

(c) The decline in production is mainly due to unfavourable climatic conditions, especially in Bihar and West Bengal. The Final Estimate, which is due in the latter half of October will give the position for the whole crop for the season 1954-55.

Telephone Exchanges in Bombay

739. Shri M. D. Joshi : Will the Minister of **Communications** be pleased to state:

(a) how many new telephone Exchanges are proposed to be opened in Bombay State during 1955 and at what places; and

(b) how many of them have so far been opened?

The Deputy Minister of Communications (Shri Raj Bahadur) (a) and (b). Already opened during 1955-56:

1. Bagalkot; 2. Kopargaon; 3. Panvel; 4. Rajpipla.

Expected to be opened during the current year:

1. Ahwa; 2. Baramati; 3. Bardoli; 4. Bhiwandi; 5. Bordad; 6. Byadgi; 7. Chalisgaon; 8. Haveri; 9. Himmatnagar; 10. Kadi; 11. Karwar; 12. Miraj; 13. Miyagam Karjan; 14. Nipani; 15. Pachora; 16. Ratnagiri; 17. Umreth; 18. Visnagar.

Schemes for all the 18 places have already been sanctioned, but the opening of the exchanges by March 1956 is subject to availability of materials in time.

Ratnagiri Port

740. Shri M. D. Joshi : Will the Minister of **Transport** be pleased to state :

(a) whether it is a fact that Ratnagiri has been selected as an 'Intermediate Port' for development;

(b) if so, the nature of the proposed development; and

(c) when the plans for development will be finalised?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The port at Ratnagiri has been classified as an intermediate port for purposes o development.

(b) an' (c). Proposals for development based on the result of surveys which have been carried out are under preparation by the State Government.

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Friday, 2nd September, 1955.

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair.*]

QUESTIONS AND ANSWERS

(*See Part* I)

12.01 P.M.

PAPERS LAID ON THE TABLE

SUMMARY OF PROCEEDINGS OF 14TH SESSION OF INDIAN LABOUR CONFERENCE

The Deputy Minister of Labour (Shri Abid Ali): I beg to lay on the Table a copy of the Summary of Proceedings of the Fourteenth Session of the Indian Labour Conference held at Bombay in May, 1955. [*Placed in Library. See* No. S-291/55.]

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following two messages received from the Secretary of Rajya Sabha:

(i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 31st August, 1955, agreed without any amendment to the Delhi Joint Water and Sewage Board (Amendment) Bill, 1955, which was passed by the Lok Sabha at its sitting held on the 2nd August, 1955".

(ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 31st August, 1955, agreed without any amendment to the Abducted Persons (Recovery and Restoration) Continuance Bill, 1955 which was passed by the Lok Sabha at its sitting held on the 23rd August, 1955".

CORRECTION OF ANSWER TO STARRED QUESTION

The Deputy-Minister of Communications (Shri Raj Bahadur): I beg to lay on the Table a statement correcting the reply given to Starred Question No. 813 on the 17th August, 1955, regarding the export of Dakota aircraft to Afghanistan. The reply to the question contained in the statement was incomplete due to clerical inadvertence. (*See* Appendix V, annexure No. 48).

COMPANIES BILL—*Contd.*

Clauses 251 to 283

Mr. Speaker: The House will now resume further consideration of Clauses 251 to 283 of the Companies Bill. A list of selected amendments to these clauses has already been circulated to hon. Members last night.

Out of 3½ hours allocated to these clauses, 2 hours and 55 minutes have already been availed of yesterday and 35 minutes now remain. This would mean that these clauses will be disposed of now, immediately, and I would call upon the Minister to reply.

Shri G. D. Somani (Nagaur-Pali): An assurance was given by the Deputy-Speaker yesterday that an opportunity will be given for a proper consideration of the issue involved in these clauses. Only a few minutes are left and I therefore request you to kindly allow some more time which might be made up, as the Deputy-Speaker suggested, by sitting longer next week. That was agreed to by the House.

Mr. Speaker: I do not know. The Deputy-Speaker will explain the position.

Shri M. A. Ayyanger (Tirupati): Yesterday, I think there was half-an-hour discussion to be had, but that was given up. I suggested to the House that, in view of the importance of the subject on hand and because a number of hon. Members intended to speak and rose in their seats, we might sit for half-an-hour more. The House did not agree but then I suggested that at least today the House must be sitting an hour more so that good justice may be done to all the clauses if in case a number of hon. Members wanted to speak. They ultimately agreed that from the 5th to the 9th September, both days inclusive,—on every one of these days—the House will sit for one hour more, that is, from 5 P.M. to 6 P.M. By that arrangement, I thought, some more time may be given to these clauses today. That was the general understanding. The House also agreed to sit continuously and not put off the Companies Bill beyond the originally agreed date. If the House agrees to that and continues to stand by that arrangement, I think you may give some time more.

Mr. Speaker: Does the House wish to sit longer every day next week?

Some Hon. Members: That was agreed to.

Mr. Speaker: Do I understand that the House wants to sit today for one hour longer?

Some Hon. Members: No, no. That is from the 5th instant.

Mr. Speaker: The position seems to be that the allotted time is being exceeded every day in the hope of adjustment later on, but that adjustment does not come later on.

Shri C. C. Shah (Gohilwad-Sorath): The position is this. This is a very important group of clauses as also the next one. The group of clauses beginning after clause 388 and ending with clause 612, to which 22 hours have been allotted, may not require that much time. I submit that the House rightly agreed to a little more time.

Mr. Speaker: I have no objection, and I am entirely in the hands of the House. But I am not quite sure as to whether the 22 hours will not be availed of and whether a demand may not come at the end, again, to sit for a longer time in view of the importance of this group of clauses. So I want to be sure that we finish the whole Bill by the allotted time. That is the whole point. If the House likes to sit longer, I have no objection. But today, do we sit longer? We do not, I believe.

Some Hon. Members: No, no.

Mr. Speaker: Very well. For this group, what is the time? Let me be quite clear on that point.

Shri Bansal (Jhajjar-Rewari): One hour more.

Mr. Speaker: Very well. That means, 35 minutes now remain.

Shri Heda (Nizamabad): The Minister said he would take about 20 minutes.

Mr. Speaker: Yes, after deducting that, about 35 minutes remain for others.

The following is the list of selected amendments to clauses 251 to 283,

which the hon. Members have indicated to be moved, subject to their being otherwise admissible:

Clause Nos.	Amendment Nos.
251	737, 738
252	578, 579
254	224, 739, 415, 740, 416, 808, 809, 810
254A (New)	741
255	417
259	580, 757, 742
260	581, 758, 743, 420, 744, 421
263	512
264	513, 745, 227, 550, 228, 229
265	514
266	656 (Govt.), 424, 763
267	657 (Govt.)
	64, 658 (Govt.)
269	765
272A (New)	746
273	769, 770, 128, 515, 129, 771, 516.
274	102
275	781.
279	799, 518, 798 (same as 518,) 519, 583, 358 (Govt.), 584
280	585, 520, 521, 522, 586 (same as 522).
281	523, 587, 588, 589.
282	130, 524, 796, 131.
283	231, 659 (Govt.), 425.
283A (New)	232.

Clause 251.—(*Minimum number of directors.*)

Shri Sadhan Gupta (Calcutta South-East): I beg to move:

(1) Page 135, line 6—

add at the end:

"of whom the employees of the company who are workmen within the meaning of the Industrial Disputes Act (XIV) of 1947, shall elect from amongst themselves one-fourth or the total number of directors or one director whichever number is greater".

(2) Page 135, line 8—

add at the end:

"of whom the employees of the company who are workmen within the meaning of the Industrial Disputes Act (XIV) of 1947 shall elect from amongst themselves one-fourth of the total number of directors or one director whichever number is greater".

Clause 252.—(*Only individuals to be directors.*)

Shri Tulsidas (Mehsana West): I beg to move:

(1) Page 135, line 11—

after "to be directors" *insert* "(1)".

(2) Page 135, *after* line 13 *add*:

"(2) nothing in sub-section (1) above shall apply to a company not managed by a managing agent or secretaries and treasurers."

Clause 254.—(*Appointment of directors etc.*)

Shri Asoka Mehta (Bhandara): I beg to move:

Page 135,—

for clause 254, *substitute*:

"254. The directors of a company shall be—

(a) persons elected by members of the company at a general meeting according to the principle of proportional representation, whether by the single transferable vote or by a system of cumulative voting or otherwise, the appointments being made once in every two years; and

(b) in case of a company employing more than one hundred persons, two employees from amongst them to be elected at a general meeting of such employees, the appointments being made every two years."

Shri Sadhan Gupta: I beg to move:

Page 135, line 20—

for "two-thirds" *substitute* "three-*fourths*".

Shri N. P. Nathwani (Sorath): I beg to move:

Page 135, line 21—

after "a public company" *insert* "excluding directors if any appointed under section 407".

Shri Sadhan Gupta: I beg to move:

Page 135, line 22—

after "public company" *insert*:

"including any director or directors elected by the employees under Section 254A".

Shri N. P. Nathwani: I beg to move:

Page 135, line 23—

before "be persons" *insert* "except where directors are appointed under section 264".

Pandit K. C. Sharma (Meerut Distt.—South): I beg to move:

(1) Page 135, line 26—

add at the end:

"by the system of proportional representation by single transferable vote".

(2) Page 135, lines 29 and 30—

omit "in default of and subject to any regulations in the articles of the company".

(3) Page 135, line 31—

add at the end:

"by the system of proportional representation by single transferable vote".

New Clause 254-A.

Shri Sadhan Gupta: I beg to move:

Page 135—

after line 31 *insert*:

"254 A. *Election of Directors by employees.*—(1) The employees of a company who are workmen within the meaning of the Industrial Disputes Act (XIV) of 1947, shall elect by secret ballots from amongst themselves, one director or a number of directors equal to one-fourth of the total number of directors, whichever number is greater.

(2) A director elected under sub-section (1) shall hold office—

(a) if elected before the statutory meeting from the date of such meeting to the day previous to the date on which the annual general meeting is held; and

(b) if elected before any annual general meeting, from the date on which such annual general meeting is held till the day previous to the date on which the next annual general meeting is held.

(3) The said employees shall at any time be entitled to elect such number of directors as may be necessary to make the number of such directors equal to the fourth of the total number of directors, and shall elect such directors when additional directors are appointed under Section 259".

Clause 255.—(*Provision regarding directors, retiring etc.*)

Shri N. P. Nathwani: I beg to move:

Page 135, lines 36 to 40—

for "and at every subsequent annual general meeting, one-third of such of the directors for the time being as are liable to retire by rotation, or if their number is not three or a multiple of three, then the number nearest

to one-third, shall retire from office" *substitute*:

"and at every subsequent annual general meeting, one-third of the directors for the time being, excluding directors if any, appointed under clause 407, or, if that number is not three or a multiple of three, then the number nearest to one-third, shall retire from office."

Clause 259.—(*Additional directors*)

Shri Tulsidas: I beg to move:

Page 137, lines 18 and 19—

for "in section 254, 257, or 258" *substitute* "in section 254 or 257".

Shri K. K. Basu: (Diamond Harbour): I beg to move:

Page 137, *after* line 25, *add*:

"Provided further that on the application of any member or employee, the Central Government may enquire into grounds of such appointment and if satisfied that such appointment has been made unnecessarily and not in the interest of the company the Central Government may annul such appointment; and on such decision the additional director will cease to be such director."

Shri Sadhan Gupta: I beg to move:

Page 137—

(i) line 23,

after "provided further" *insert* "(a)"

(ii) *after* line 25 *inserts*

"(b) that appointment of additional directors shall not be made so as to reduce the number of directors elected under section 254-A to less than one-fourth of the total number of directors".

Clause 260.—(*Certain persons connected with managing agent etc.*)

Shri Tulsidas: I beg to move:

Page 137, lines 29 and 30—

for "and such managing agent is authorised by the articles to appoint any director to the Board" *substitute*:

"and such managing agent, being so authorised by the articles, appoints any director to the Board."

Shri K. K. Basu: I beg to move:

Page 137, line 34—

add at the end:

"but subject to the approval of the Central Government".

Shri Krishna Chandra (Mathura Distt.—West): I beg to move:

Page 137, line 35—

after "officer" *insert* "or his relative".

Shri K. P. Tripathi (Darrang): I beg to move:

Page 138—

for lines 6 and 7, *substitute*:

"(f) any associate of a managing agent; or"

Shri Krishna Chandra: I beg to move.

Page 138—

after line 12 *add*:

"(h) any associate of the managing agent".

Shri N. P. Nathwani: I beg to move:

Page 138—

after line 16, *add*:

"(h) any associate of the managing agent of the company".

Clause 263.—(*Consent of candidate for directorship etc.*)

Shri C. R. Iyyunni (Trichur): I beg to move:

Page 139—

for clause 263 *substitute*:

"263. No person shall be appointed as a director of a company unless the general body is satisfied that he is agreeable to

[Shri C. R. Iyyunni]

the appointment. A letter of consent in writing is taken and field before he attends a meeting of the Board."

Clause 264.— (*Option to Company etc.*)

Shri C. R. Iyyunni: I beg to move:

Page 139—

for clause 264 *substitute*:

"264. Notwithstanding anything contained in this Act or the articles of Association a company may, in a general meeting, appoint directors according to the principle of proportional representation, whether by the single transferable vote or by a system of cumulative voting or otherwise:

Provided that a resolution to that effect, a notice of which has been given to the company before 21 days of the meeting is passed in the general meeting by a majority of votes in person or proxy".

Shri Barman: (North Bengal—Reserved—Scheduled Castes.). I beg to move:

Page 139, *for* clause 264 *substitute*:

"264. *Adoption of proportional representation for the appointment of directors.*—Notwithstanding anything contained in this Act, from the year commencing on 1st of April 1957 appointment of not less than two-third of the total number of directors of a public company or of a private company which is a subsidiary of a public company shall be held according to the principle of proportional representation whether by the single transferable vote or by a system of cumulative voting, the appointments being made once in every three years and interim casual vacancies being filled in accordance with the provisions, *mutatis mutandis* of section 261.

The articles of associations of all new companies will be framed accordingly and those of existing companies suitably modified before that date."

Shri N. P. Nathwani: I beg to move:

(1) Page 139,

(i) line 20, *omit* "option to"

(ii) line 22, *for* "may" *substitute* "shall".

(2) Page 139—

(i) line 21, *after* "directors.—" *insert* "(a)".

(ii) line 22, *after* "articles of a" *insert* "public".

(iii) lines 24 and 25, *omit* "or of a private company which is a subsidiary of a public company".

(iv) *after* line 29, *insert*:

"(b) Notwithstanding anything contained in this Act, the articles of a private company shall provide for the appointment of directors according to the principle of proportional representation, whether by the single transferable vote or by a system of cumulative voting or otherwise, the appointments being made once in every two years"

(3) Page 139, lines 24 and 25—

omit "or of a private company which is a subsidiary of a public company".

(4) Page 139, line 28—

for "three years" *substitute* "two years".

Clause 265.— *Restrictions on appointment etc.)*

Shri Ramachandra Reddi (Nellore): I beg to move:

Page 139—

for lines 44 to 45 *substitute*.

"(i) signed the memorandum for subscribing to shares not less than 50 in number or of a value not less than Rupees five hundred whichever is less, unless the articles provide for a higher qualification subject to the provisions of section 269 (3)"

Clause 266.— (*Certain persons not to be appointed etc.*)

The Minister of Finance (Shri C. D. Deshmukh): I beg to move:

Page 140, line 37—

for "managing director" *substitute* "managing or whole time director".

Shri N. P. Nathwani: I beg to move:

Page 140—

(i) *for* lines 38 to 44, *substitute*:

"(a) is an undischarged insolvent; or has at any time within the preceding five years been adjudged an insolvent; or

(b) suspends, or has at any time within the preceding five years suspended, payment to his creditors, or makes, or has at any time within the preceding five years made, a composition with them; or

(c) is, or has at any time within the preceding five years been convicted by a court in India of an offence involving moral turpitude."

(2) The Central Government may, by notification in the official Gazette, remove the disqualification incurred by any person in virtue of clauses (a), (b) and (c) of sub-section (1) either generally or in relation to any company or companies specified in the notification.

(ii) line 45—

for "(2)" *substitute* "(3)".

Shri K. K. Basu: I beg to move:

Page 140—

omit lines 45 and 46.

Clause 267.— (*Amendment of provision etc.*)

Shri C. D. Deshmukh: I beg to move:

Page 141, line 5—

for "managing director" *substitute* "managing or whole time director".

Clause 268.— (*Appointment of managing director etc.*)

Shri Krishna Chandra: I beg to move.

Page 141—

for lines 16 to 21, *substitute*:

"managing director shall be made with the approval of the Central Government."

Shri C. D. Deshmukh: I beg to move:

Page 141, line 16—

for "managing director" *substitute* "managing or whole time director".

Clause 269.—(*Time within which share qualification etc.*)

Shri Krishna Chandra: I beg to move:

Page 141, line 35—

after "shall" *insert*:

"Vary with the amount of the subscribed capital of the company and shall be laid down by rules and it shall".

New Clause 272-A.

Shri Sadhan Gupta: I beg to move.

Page 142—

after line 9 *insert:*

"272A. *Prohibition of appointment of tax-evaders as directors.*—(1) No person who has been found guilty by any Court or Tribunal or other competent authority of evading any tax payable by him, shall be appointed as director of any company.

(2) Any person, on being found guilty as aforesaid shall forthwith vacate the office of a director.

(3) In the case of a person who has been found guilty as aforesaid before the commencement of this Act the provisions of sub-section (2) shall apply as if he had been found guilty as aforesaid at the date of commencement of this Act.

(4) This section shall apply notwithstanding any want of jurisdiction in the Court or Tribunal on account of any technical defect in its constitution or composition."

Clause 273.—(*Disqualification of directors.*)

Shri Krishna Chandra: I beg to move:

(1) Page 142, line 10 and 11—

for "not be capable of being appointed directors" *substitute* "not remain a director".

(2) Page 142, line 18—

for "and" *substitute* "involving moral turpitude or".

Shri Rane (Bhusaval): I beg to move:

Page 142, line 18—

after "offence" *insert* "involving moral turpitude".

Shri Ramachandra Reddi: I beg to move:

Page 142, line 18—

after "offence" *insert* "not being an offence under this Act, involving moral turpitude".

Shri Rane: I beg to move:

Page 142, line 19—

for "for not less than six months" *substitute* "for more than two years".

Shri K. K. Basu: I beg to move:

Page 142, line 21—

after "partner" *insert* "or any private company of which he is a member".

Shri Ramachandra Reddi: I beg to move:

Page 142—

omit lines 29 to 36.

Cclause 274.—(*No person to be a director of more than twenty companies.*)

Shri M. S. Gurupadaswamy: I beg to move:

Page 143, line 5—

for "twenty companies" *substitute* "ten companies".

Clause 275.—(*Choice to be made etc.*)

Shri Krishna Chandra: I beg to move:

Page 143—

after line 28, *add:*

"(4) If any person, in contravention of the above provisions, continues to be the director of more than twenty companies his directorship in each of these companies will become void."

Clause 279.—(*Age limit etc.*)

Shri Krishna Chandra: I beg to move:

Page 144, line 29—

after "appointed" *insert* "or remaining".

Shri Ramachandra Reddi: I beg to move:

Page 144, line 31—

for "sixty-five years" *substitute* "seventy years".

Shri Krishna Chandra: My amendment No. 791 is the same as No. 518 moved by Shri Reddi.

Shri C. R. Iyyunni: I beg to move:

Page 144, line 31—

for "sixty-five years" *substitute* "seventy-five years".

Shri Tulsidas: I beg to move:

Page 144, line 35—

for "sixty-five years" *substitute* "seventy years".

Shri C. D. Deshmukh: I beg to move:

Page 144, line 42—

for "completed" *substitute* "attained".

Shri Tulsidas: I beg to move:

Pape 144, line 42—

for "sixty-five years" *substitute* "seventy years".

Clause 280.—(*Age limit not to apply etc.*)

Shri Tulsidas: I beg to move:

Page 145—

for lines 4 to 9 *substitute*:

"280. *Age limit not to apply if company so resolves.*—(—) A company may, by a special resolution, provide for an age limit other than that provided by section 279, or provide that no age limit shall apply to its directors."

Shri Ramachandra Reddi: I beg to move:

Page 145, line 6—

for "sixty-five years" *substitute* seventy years".

Shri C. R. Iyyunni: I beg to move:

(1) Page 145—

for lines 10 and 11 *substitute*:

"(2) No previous notice of such a resolution is required to be given before the meeting."

(2) Page 145—

omit lines 12 to 14.

Shri Tulsidas: My amendment No. 586 is the same as No. 522 moved by Shri Iyyunni.

Clause 281.— (*Duty of director to disclose age.*)

Shri C. R. Iyyunni: I beg to mqve:

Page 145, line 17—

for "sixty-five years" *substitute* seventy-five years".

Shri Tulsidas: I beg to move:

(1) Page 145, line 17—

for "sixty-five" *substitute* "seventy".

(2) Page 145, line 18—

for "lower age" *substitute* "other age".

(3) Page 145, line 19—

after "articles" *insert* "or special resolution".

Clause 282.— (*Vacation of Office by directors.*)

Shri Rane: I beg to move:

Page 146—

for lines 6 to 8 *substitute*:

"(e) he is convicted by a Court in India of any other offence and is sentenced in respect thereof to

[Shri Rane]

transportation or to imprisonment for not less than two years;".

Shri Ramachandra Reddi: I beg to move.

Page 146 line 6—

after "offence" *insert*:

"not being an offence, involving moral turpitude".

Shri Krishna Chandra: I beg to move:

Page 146, line 7—

for "and" *substitute* "involving moral turpitude".

Shri Rane: I beg to move:

Page 146—

for lines 26 to 39 *substitute*:

"(2) Notwithstanding anything in clause (c), (d) and (e) of sub-section (1), disqualification referred to in those clauses shall not take effect until thirty days have elapsed from the date of such disqualification, or if within those thirty days an appeal or revision petition is filed in respect of the adjudication, conviction or sentence, until that appeal or revision petition is disposed of."

Clause 283.—(*Removal of directors.*)

Shri N. P. Nathwani: I beg to move:

Page 147, lines 1 and 2—

for "ordinary resolution" *substitute* "special resolution".

Shri C. D. Deshmukh: I beg to move:

Page 147, line 2—

after "director" *insert* "(not being a director appointed by the Central Government in pursuance of section 407)".

Shri N. P. Nathwani: I beg to move:

Page 147—

after line 6 add:

"Provided further that this sub-section shall not authorise the removal of a director appointed under the provisions of section 407."

New Clause 283-A.

Shri Asoka Mehta: I beg to move:

Page 148—

after line 13, *add*:

"283-A. Notwithstanding anything contained in this Act, the permanent employees of every company employing one hundred persons or more, shall be entitled to elect from amongst themselves at the time of the annual general meeting of the company, two persons to hold the office of Directors of the company until the next elections."

Mr. Speaker: All these amendments are before the House for discussion.

Shri Bansal: I rise to oppose the amendments moved by my friends Shri Nathwani and Morarka regarding proportional representation. Shri Morarka and Shri Nathwani yesterday gave a very imposing array of arguments in favour of their amendments.

[MR. DEPUTY-SPEAKER *in the Chair*]

I really appreciate the very brilliant and cogent arguments given by my friend Shri Nathwani, but when I consider the speech of my hon. friend Shri Morarka, I cannot help feeling that he was protesting a bit too much. He referred to my previous speech and had something to say about my association with the late Shri J. J. Kapadia. He also challenged my statement that Bombay Shareholders' Association had not wanted proportional representation and he referred to the Evidence volume in which the Bombay Shareholders' Association seemed to have suggested some change in the method of representation on the Board of Directors. But I do not know why Shri Morarka should be knowing the reasons—he did not quote those particular relevant portions where they definitely are supposed to have demanded proportional representation. I do not want to go

into the history of those clauses, but I will invite the attention of my friend Shri Morarka to the evidence before the Joint Committee, where the accredited representatives of the Bombay Shareholders' Association led by Shri Maganlal were present and my friend, Shri Avinasalingam Chettiar, asked them certain questions relating to these very aspects of the Bill. Shri Chettiar asked, "would you like to provide any safeguards for small shareholders?" Shri Maganlal replied, "there are provisions by which minority shareholders are protected against even big majority. Ten per cent. of the shareholders can ask for inspection. I think that is a sufficient right for the small shareholders." Shri Chettiar again asked, "how will you react to the suggestion that in the directorate by some way of election or representation, a minority shareholder may also get a seat?" Shri Maganlal replied, "I believe then the minority majority questions will go on. After all, the election of a directorate is on a majority basis and I do not want that this principle should be vitiated." I would like my friend Shri Morarka to note this phrase: "Minority majority questions will go on." Shri Chettiar again asked, "do you not like to introduce proportional representation for minority shareholders on the Board?" Shri Maganlal replied, "no". This is what the representatives of the Bombay Shareholders' Association have said before the Joint Committee, where my friend Shri Morarka was very much present and where in fact he had asked a very large number of questions. Shri Nathwani quoted from a letter which the Bombay Shareholders' Association seemed to have written to the Finance Minister. I do not know what happened in Bombay between the time when they came to give evidence before the Joint Committee and the time when this House has taken up the clause-by-clause consideration of this Bill. Both Mr. Nathwani and Morarka belong to Bombay and surely they know better what has passed on in Bombay and in the committee of the Bombay Shareholders' Association.

An Hon. Member: Nothing happened.

Shri Bansal: Something must have definitely happened after the Bombay Shareholders' Association expressed their view before the Joint Committee. I am just saying that I do not know what happened.

Shri N. P. Nathwani: Has my hon. friend referred to the memorandum which was also submitted by the Bombay Shareholders' Association to the Bhabha Committee?

Shri Bansal: I do not know what they have said in their memorandum to the Bhabha Committee; but in the memorandum which they gave to the Joint Committee, they never made any suggestion about proportional representation. That is all I had said in my previous speech.

I would very humbly ask the House to consider one aspect. What is the minority we are talking of? Is it the minority of the incoherent large number of shareholders or is it the minority of a few people who own 10 or 15 per cent. shares? Let us be very clear on this point as to which minority we are talking of. Are we talking of the minority of the vast majority of shareholders or are we talking about the minority of those people who hold a group of shares in their hands, and who, because they cannot get elected to the Board of Directors, are anxious to get elected?

Shri Morarka quoted from the speeches which were made on the floor of this House in 1936, 20 years back. He quoted from respected leaders like Pandit Pant. But it was all in 1936 and now we are in 1955. Shri Morarka will ask me, "what is the change that has taken place?" I would humbly tell him what is the change that has taken place. At that time we had the European managing agency houses and they were dominating the economic scene of this country. Although Indian shareholders held up to 20 or 25 per cent. of shares in their companies, they were never

[Shri Bansal]

allowed to go near the Board of Directors of those European companies. My friend knows how the phrase "guinea-pig directors" came into vogue. It was under those circumstances that the nationalist point of view was being asserted in this House for the introduction of proportional representation. If I may tell my friend Shri Morarka, that was the stand taken by the Indian businessmen of this country at that time, because our economy was being dominated by the European managing agency houses. Shri Morarka quoted from a businessman who used to sit on the Treasury Benches at that time. I do not want to name that gentleman; he is a very respected friend of mine. But lest the House should be carried away by Shri Morarka's assertions and protestations, I am telling this. In 1936, an employers' federation was formed by leaders of Indian business under Shri Walchand Hirachand. The then Minister for Commerce and Industry, Shri Frank Noyce, called this very friend of mine to form another employers' federation on which the majority of European employers was represented. So, that friend was playing that part at that time, supporting foreign managing agency houses in this country. That was why he was opposing proportional representation.

Shri K. K. Basu: Say "supporting".

Shri Bansal: Today the picture is quite different. Indian businessmen have come into most of the managing agency houses.

Shri N. P. Nathwani: May I put one question? Is my friend aware of the fact that when Shri Govind Ballabh Pant referred to the directorates of the textile mills at Ahmedabad, all these 106 directorates were filled by the members of 64 families, preventing young and talented skill from entering into the directorates?

Shri Bansal: I may submit that I am not such an expert as my friend Shri Nathwani. I am giving to the House whatever arguments I am capable of to the best of my ability. What I am suggesting is that the scene today is quite different and it is no use quoting what was said in 1936. A man got chill in winter and the doctor advised him to cover himself up properly with five blankets; the man again got chill in summer and he repeated the same thing, with the result he died of suffocation. Therefore, we have to use of appropriate medicine at the appropriate time. There is no use quoting in 1955 what was said in 1936.

Mr. Deputy-Speaker: Minority directors are expected to fumigate the rest.

Shri Bansal: The point to consider is, what is the minority we are talking of? The analogy of the Muslim League has been given; the analogy of so many political parties has been given. But I ask, who are minority shareholders? Will any Member here suggest that these represent the minority? I can understand managing agents holding a group of shares and the other people who are not managing agents being in the opposition against the managing agents. But that opposition may be in majority or minority. In a large number of cases in our country, managing agents do not hold majority shares. It might be that in some companies they hold a majority of the shares; but in most of the companies, managing agents do not hold a majority of shares. Therefore, what is the meaning of minority in those cases? This question of minority and majority is a mere red herring, so that the disgruntled people who own group of shares, 10 or 15 per cent. of shares might get into the Board of Directors. It is a red herring only created by them. I would request the House to consider very calmly this question and if they come to the conclusion that it is in the interests of the country to allow representation to this kind of minority, then they are welcome. But as I said, there is a real danger of

fissiparous tendencies developing in the Board of Directors to the detriment of company management. This Company Law Report is always referred to like the Bible by my friends who are championing the cause of proportional representation.

Mr. Deputy-Speaker: Why are you quoting from their Bible?

Shri Bansal: I am quoting their Bible for their sake and for their edification. Is there anything here to support proportional representation? Has this Committee said anything in support of proportional representation? Certainly, according to Shri Morarka, this question was very much before the Company Law Committee. The shareholders, according to them, had made a detailed representation on this question. But, how is it that even in spite of that and in spite of the fact that Shri J. J. Kapadia was a member, this Committee has not said anything about proportional representation. I do not want to quote from where they say what safeguards they are suggesting for oppression of minority. But they have not suggested anything about proportional representation.

Mr. Deputy-Speaker: Have they considered it and said, No?

Shri A. M. Thomas (Ernakulam): They have not considered.

Shri Bansal: They have referred to the oppression of minorities.

Mr. Deputy-Speaker: Directly, was the question of proportional representation referred to them?

Shri A. M. Thomas: That aspect has not been considered by that Committee.

Shri Bansal: No.

Mr. Deputy-Speaker: So, it is neither the one nor the other.

Shri Bansal: The question was very much before them. As Shri Maganlal in his evidence before the Joint Committee said that the other safeguards are enough, my presumption is that the Company Law Committee came to the conclusion that the other safeguards which they were providing were enough to meet the case.

Mr. Deputy-Speaker: Why did not they say specifically?

Shri Bansal: I do not know. I am drawing my own inference. Similarly, the House is also welcome to draw its own conclusion. My conclusion is that the Company Law Committee did not consider that question worthwhile after they came to the conclusion that they could secure safeguards to the minority interests by the other clauses which they have dealt with in their report and in the re-draft of the various clauses. That is the only short point that I am trying to make.

Shri Morarka gave the analogy of the Public Accounts Committee of this House. Again, I say, the Public Accounts Committee is on a different footing. Firstly, the Public Accounts Committee does not rule the country. Secondly, on the Public Accounts Committee, this method succeeds because there is a coherent minority. My communist friends are in a minority and form a coherent block. Similarly, there are other groups which form definite blocks. Therefore, proportional representation on the principle of cumulative voting has some meaning. Suppose, Sir, you were elected by cumulative voting by your constituency, how can any minorities exercise their voting rights? How can a constituency like that be divided into various groups so that minority representation could be given?

Mr. Deputy-Speaker: I would request the hon. Member to elucidate to the House this point. Voting power is given in proportion to the capital paid; that is, on the amount of capital which each person has paid. If a person has paid two-thirds of the capital, is it not likely that he will be able to get two-thirds of the directors? What he wants is that having got two-thirds, he must get all the directors elected by himself.

Shri K. K. Basu: Even if he has 51 per cent.

Mr. Deputy-Speaker: Each person is given the power according to the capital subscribed by him. Those who have paid the majority of the capital 51 per cent., want to have not only that percentage, but also power to control cent per cent. So far as directors are concerned, 51 becomes equal to 100. Is it wrong for the other 49 to say, I will apply the same principle and I shall get some other directors as I am entitled to? What is the injustice done? I am unable to follow. I believe the House also will like to have an elucidation.

Some Hon. Members: Yes.

Mr. Deputy-Speaker: Proportionately to the capital invested, each man has the right to vote. Those who have paid the majority of the capital will have a majority. But, the aim seems to be that they must have every director according to their choice. If they command 66 2|3 per cent. of voting strength, they want to have cent per cent. of the directors. Merely on the principle of 51 per cent. majority they want to claim cent per cent. power, and make the other people suffer.

Shri C. D. Deshmukh: I thought the hon. Member was making a limited point that there are certain circumstances in which proportional representation cannot give you proportionate representation, as in a constituency of 300,000 votes, each one has a vote and each one may wish to exercise it in a different way and only one person can be elected. He poses that question as I understood it. That is the only argument, whether it is right or wrong.

Mr. Deputy-Speaker: So far as politics are concerned, everybody has got a vote irrespective of any qualification. Here, we have a richer man and a poorer man.

Shri S. S. More (Sholapur): The instance of a single seat territorial constituency is not a good instance for the purpose of illustrating this proportional representation.

Shri Bansal: I was replying to an analogy by an analogy. I know analogies are not perfect.

Mr. Deputy-Speaker: What is the justice behind this? One would like to know that. I invest some money in the shares of a company. Is it not just that I should have voting strength in proportion to the amount of capital paid? If you say that so far as the directors are concerned, they must be the representatives of some other men and the minority owners should not have one to represent themselves, what is the justice?

Shri Bansal: That is exactly the position. A man has as many votes as he has shares in the company. He exercises the voting rights.

Mr. Deputy-Speaker: Let me exercise and get a director of my choice.

Shri Bansal: You are free to vote for the director of your choice.

Mr. Deputy-Speaker: But, I am drowned on the ocean of 51 per cent. There is no use of mincing facts. The 51 per cent. are able to get all the directors whereas their voting right is only equal to 51 or 75 or 60. They want to dominate over the rest and they begin to call the other fellows bad fellows. The hon. Finance Minister will try to convince me later on.

Shri C. D. Deshmukh: I am not taking sides in this.

Mr. Deputy-Speaker: If you say as if the whole thing is unjust, it passes my comprehension.

Shri C. D. Deshmukh: The hon. Member can explain himself better than I can. He was drawing attention to the impracticability....

Mr. Deputy-Speaker: That is another matter.

Shri C. D. Deshmukh:.... of a situation where 5,000 people with a theoretical right to elect a director have to elect 12 directors. In politics one can understand a minority or a majority: they may be 5, they may

be 10. Therefore, an individual right is subjected *ab initio* to another grouping, namely political group A, B, C, D, or E. There it is easy to work. Where in theory each voter has a separate right, out of 5,000 voters, if there are 5,000 candidates, and only 12 seats are to be filled, he asks how are you going to ensure that each man who may be regarded as a minority in himself gets his own director.

Shri Bansal: That was my point. I am very much obliged to the Finance Minister.

Mr. Deputy-Speaker: The percentage is not one in a thousand, but it is one in a hundred. Instead of losing the whole thing, at least 10 people will join and get one.

Shri C. D. Deshmukh: If they join together.

Mr. Deputy-Speaker: They will do so.

Shri S. S. More: Supposing 12 directors are to be elected, what is the harm if 12 votes are given to each shareholder which he can give to one person?

Shri Bansal: He can always give. You can give 12 votes to any director you like. What I say is that the conflict which is supposed to be there between a group of minority shareholders, say your 49 per cent. and 51 per cent., where is it?

Mr. Deputy-Speaker: It is not a question of conflict.

Shri Bansal: A conflict will arise say if there are 5 or 6 shareholders holding some blocks of shares and they place themselves in opposing blocks.

Mr. Deputy-Speaker: We will assume a case where all the 49 per cent. of the voters want some representative. They all join together. Unless there is proportional representation, they may not have a single representative. The 51 per cent. will drown the 49 per cent. Is that not so?

Shri Bansal: They will drown not in the deep sea. What is this drowning? I want to know what is this drowning, what for?

Mr. Deputy-Speaker: What I am saying is this. It is always implied that at least the majority will have to join together for the purpose of harmonious working. At least 51 per cent. of the shareholding must combine to have a harmonious directorate. That is implied. Every hon. Member who supports this implies it. There may come a time when they will quarrel with one another and there may not be 51 per cent. at all coming together.

Shri C. D. Deshmukh: That is right, but the commoner case will be where large blocks of shares will belong to certain groups or persons who have already joined together for other purposes. It is far more difficult for the individual voter to join together with somebody else, and secondly, the individual voter may change. It is only at the time of the election. Stockholding is something quite different from membership of a political party. Even political parties are known to change their principles and membership, but that does not happen so quickly, in such rapid succession as change of shares in the market. Therefore, this minority is a kind of transient thing, and what will happen really under proportional representation is that small powerful groups of 10, 15 or 20 per cent. will try to get their representatives. In other words, it is a means of getting a small minority in a rather large majority.

Pandit Thakur Das Bhargava (Gurgaon): This principle ought to be introduced in private companies.

Mr. Deputy-Speaker: What is the harm if a small minority comes in out of 12?

Shri Bansal: That will always be a question of opinion. As I had pointed out on the last occasion, in recent years certain cases of gross mismanagement of companies have come

[Shri Bansal]

to light, and to the best of my knowledge that statement has not been challenged even by Shri Morarka; the difficulty there was this kind of minority to which the Finance Minister referred, got control or were trying to get control of the Board of Directors. And that is why we saw this kind of gross mismanagement of those companies with the result that Government in many cases have had to interfere. And therefore, my anxiety is to avoid this kind of bad name coming to the companies. That is exactly what I am trying to impress on the House.

These are things where there will be always difference of opinion, and I know opinion is very sharply divided, but I just try to the best of my ability to answer some of the points raised by Shri Nathwani and Shri Morarka.

One more point and I will finish. Shri Morarka referred to this system being prevalent in America. The Finance Minister in his speech had pointed out that even in America in one of the most industrially important States, this system does not obtain. Anybody who has read the life of Ford or other such industrialists has heard of their struggle against the minority shareholders. In how many cases have they not had to go before the minority, in fact at times purchase the entire minority interests at huge costs? The story of the conflict between the minority and majority in America is a classic one and I think it will be a bad day for our country if that conflict comes about in our company management. I would once again appeal to the House to consider this question in a dispassionate and calm manner and come to a decision. Thank you.

Shri C. C. Shah: In discussing the clauses under consideration in this group, our search is for an independent, honest and efficient Board of Directors. In the discussion of this Bill our mind has been too much preoccupied with managing agents to realise that the Board of Directors occupy or in any event ought to occupy a pivotal position in the management of a company. The managing agents have very much overshadowed and overpowered the Boards of Directors. We made that search in 1936 and we have found that that search has been fruitless. We are again on that quest and I wish to draw the attention of the House briefly to some of the improvements which we have made in this Bill. Proportional representation is one of the remedies which is proposed and a very effective remedy, but I also want to draw attention to what we have done in this Bill to meet the evil and to what extent it will meet it.

The managing agents in theory are supposed to act under the supervision, control and direction of the Board of Directors. In effect, it is the Board of Directors which is swamped or packed by the managing agents' nominees, and that is why we are now trying to see whether we cannot by some means provide a Board of Directors which will look after the interests of the company. And I want to say this, that the key to the reform of company law is really to reform the directorate, and if we can succeed in reforming the Board of Directors and providing an independent board, we have done almost all that a company law will require. The difficulty is how to provide for it.

The peculiar characteristic of corporate enterprise is that it divorces ownership of property from its control and management. Ordinarily speaking, if I own a property, I am in control and management of it. It is the peculiar characteristic of corporate enterprise or of corporate companies that whereas ownership rests with a large group of people diffused all over the country, the control and management goes to a small group of people who dominate the company. Now, what we really wish is, because

the scattered shareholders cannot manage the company, that that small group must be really representative and must be of the choice of those shareholders and not of a dominant minority. Really speaking, the problem is not so much to protect the minority of shareholders, but the problem is to protect the majority of shareholders against the dominant minority, the group which holds a block of shares, say 20 or 15 or 30 per cent. It is that dominant minority group which dominates over the majority. This divorce between ownership and control of property goes on increasing as the field of corporate enterprise becomes wider, and the result is that the shareholder instead of remaining the owner of the property becomes a mere recipient of dividend like a bond or a debenture holder. Our effort is to restore to the shareholder the position to which he is by right entitled.

Now, what have we done in order to do this? In the Act of 1936 for the first time we provided that the managing agent cannot appoint on the board more than one-third of the directors, but as the Bhabha Committee has rightly pointed out, our experience shows that they not only nominate by right the one-third, but even the remaining two-third become their nominees. Therefore, in this Bill we are introducing for the first time clause 260 by which it is provided that certain persons closely associated with managing agents shall not be elected on the Board of Directors unless special notice of election is given and a special resolution is passed by the shareholders. The intention is to draw the attention of the shareholders that the particular persons standing for election to the board are persons closely associated with the managing agents. If they want to elect them they are free to do so provided they get three-fourths of the majority. That is one device which we have adopted in this Bill to see that in the remaining two-third field at least no nominee of the managing agents comes in.

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The second remedy which we have provided is clause 377, and we have said that where that one-third comes to more than two directors, the managing agents shall not be able to appoint more than two directors, so that the maximum number of directors which they can appoint are only two, and if the whole board consists of not more than five directors, only one.

The third remedy is clause 407 where we have given power to the Government to appoint two directors on the board on the application of one tenth of the shareholders and I hope there will be an amendment to that clause permitting 100 share-holders to apply if it is less than one-tenth.

These three things which we have provided in this Bill will, I hope, go some way in at least securing an independent board.

Two other remedies which we have provided are the retiring age of directors and the limitation of the number of directorships which an individual can hold. The retiring age of directors, which we have provided, is for a reason. As you know, and as everyone knows here, few people can realise that the time has come for them to retire, and it is very inconvenient for their colleagues to remind them that they should retire. Therefore, it becomes necessary for law to provide that at a particular age they shall retire. But we have provided also for a contingency; if a gentleman is very able and very wise and statesman like and the company requires his services, then we have provided that the company can pass a resolution exempting him from the age limit. But I submit that that will go some way in providing for an independent board.

The second remedy, as I said just now, is limiting the number of directorships which an individual can hold. In this connection, I would like to give a few facts as to the concentration of directorships which we have in India today. I have a list here of 29 individuals who hold directorships in companies ranging from 61 for one

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individual to about 19; and in between, there are some who hold 45, some 51, and some 38 and so on. So, as the Bhabha Committee have given the figures of....

Mr. Deputy-Speaker: I believe all those figures have been given by other hon. Members.

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): They have already been circulated.

Mr. Deputy-Speaker: I am going to call the hon. Minister at one o'clock. Some other hon. Members also want to speak. So, the hon. Member may be brief.

Shri C. C. Shah: I shall be very brief. I do not know whether this other fact has been brought to the notice of the House, namely, that only nine families hold six hundred directorships, of all companies, like jute, coal, cotton, sugar, bank and investment companies etc. We see from this what the concentration is. And that is the reason for the limitation which we have provided.

In regard to clause 260, there is only one thing to which I want to draw the attention of the hon. Minister, and that is in regard to amendment No. 420 or No. 421, which provides that an associate of a managing agent shall not be elected. I believe my hon. friend Pandit K. C. Sharma has also given an amendment to the same effect. I hope the hon. Minister will be pleased to accept that amendment.

Shri C. D. Deshmukh: There are two amendments, namely amendments Nos. 420 and 421.

Shri C. C. Shah: About proportional representation, since it has been much discussed, I do not want to take up the time of the House. But there is one aspect of it to which I want to draw attention, and that is as regards private limited companies. I would request the hon. Minister to consider that even if it is not possible to apply proportional representation to all public limited companies, it may be applied to private limited companies. The reason is this. So far as private limited companies are concerned, it is a very peculiar position that obtains. If you will see clause 254, you will find that while it provides that in public limited companies, two-thirds of the directors shall be elected and one-third shall retire by rotation every year, in a private limited company which is exempted from the operation of that clause, it is left to the articles to provide as to the manner in which the directors will be elected or appointed or nominated. I know of a number of private limited companies in which by the articles directors are appointed for life, and they are irremovable.

Shri Gadgil (Poona Central): Not after death.

Shri C. C. Shah: I know also of a number of private limited companies where those who are appointed for life have the right to nominate their successors either by will or by deed-pool or by this, that and the other, so that it becomes a hereditary thing. And not only that, but you will also find that clause 260, in which we have provided that associates of managing agents can be appointed only by special resolution, does not apply to private limited companies. Then, you will find that we have provided in clause 262 that voting on directors shall be individually on each director. That clause also does not apply to private limited companies, with the result that they can put election of all the directors to vote in one resolution; and one does not know how they are elected. Again, in clause 266, we have provided that a managing director of a company if he is convicted of a criminal offence involving moral turpitude or is an insolvent cannot continue to be the managing director of that company, but this bar does not apply to the directors of private limited companies.

Then, there are clauses 273, 282 and 283. Clause 273 makes mention of the disqualifications of directors of public limited companies. Now, these are the only disqualifications which can be imposed on directors. But sub-clause (3) says that private limited companies can impose still further disqualifications on their directors by their articles, so that the dominant group, if they do not desire the others to come in, can by articles provide any number of disqualifications which will prevent the other people from becoming directors of private limited companies. Similarly, in clause 282 we give the grounds on which a director will vacate his office, but we have also provided that a private limited company can add to these grounds in the articles under which he will have to vacate his office.

So, you will see that so far as private limited companies are concerned, there is a free field so to say, and there is no law which generally applies to it by which you can any day secure that at least representatives of shareholders will come. And it is not very difficult to provide for proportional representation in private companies, because the membership is not more than 50; it is very easy and more convenient in private limited companies than in public limited companies. All the difficulties which are pointed out will be the difficulties which will come in, in public limited companies. But for private limited companies, I submit that the proportional representation method is an ideal method. There is an amendment to this effect by my hon. friend Shri N. P. Nathwani, namely amendment No. 550. I would request the hon. Finance Minister to consider that amendment.

Pandit Thakur Das Bhargava: With all the reasons that my hon. friend has given so far as proportional representation is concerned, I also beg to add one. In private companies, when there are only 50 persons, the shares would also exist in such a fair division, that it is possible for proportional representation to be in introduced there. If there is aggregation of shares in minority groups as in public companies, even then it is difficult to have a defined group, because there are thousands of shareholders. But in private companies where there are only 50 persons, there might be different groups, and therefore, this principle of proportional representation is, I think, very apposite so far as the private companies are concerned. Other reasons have been given by my hon. friend Shri C. C. Shah already, and I do not want to add to them. But I would only say that this is the principle which should be applied to private companies first of all.

Coming to my own amendments, I would like to draw your attention to my amendment No. 867 to clause 268. In clause 268, it is provided that no managing director can be appointed without the approval of the Central Government. The words are:

> "In the case of a public company or a private company which is a subsidiary of a public company, the appointment of a managing director for the first time after the commencement of this Act in the case of an existing company, and after the expiry of three months from the date of its incorporation in the case of any other company, shall not have any effect unless approved by the Central Government; and shall become void if, and in so far as it is disapproved by that Government."

My submission is this. So far as the managing agents are concerned, I shall have occasion to give the reasons when we come to clauses commencing from 323 onwards. Even there, I do not agree with this proposition that every appointment or reappointment shall be made with the approval of Government. Much less do I agree, in the case of managing directors.

So far as managing directors are concerned, their case stands on a better footing. All the complaints that have been directed so far are against

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the managing agents. So far as the managing directors are concerned, the complaints are not so many. Further, so far as directors are concerned, they are not appointed with the approval of Government; and similarly managers also are not appointed with the approval of Government. But in the case of a managing director who is somebody in between these two categories, I do not know why Government insist that he cannot be appointed except with the approval of Government.

If you would kindly look into the scheme of the Bill and the other provisions therein, as for instance clause 266 which deals with the disqualifications in regard to managing directors, you will find that a list of disqualifications has been given similarly for directors also. It is a very good list that has been given. Nobody has said a word about those lists, saying that they are not complete or that they are not good. But I do not understand why we want to see that so far as the initiative of the people is concerned, and so far as the choice of the ordinary man is concerned, that should not be allowed to prevail.

Now, it is quite true that so far as the companies are concerned, their management is not above board. It is not satisfactory, and therefore, this Bill is brought in to curb those companies which are not managed well. I can understand all the curbs, all the provisions of this Bill relating to betterment of company management. For instance, you have narrowed down the limits within which, they can get profits; from 24 and 27 per cent. according to the Finance Minister, it has been brought down to 8 per cent. So far as their powers are concerned, the previous powers have all been curbed. So far as the question of their qualification etc. is concerned, they have all been curbed in such a manner that now those agents or those managing agencies or directors do not possess even a medium of those powers which they had previously. Now, we come to the question of the necessity of the Government approving them. Why should Government take the power of approving them? I can understand the Government taking the power of disapproving them. For instance, if a certain managing director is not quite efficient and is not qualified, and yet the shareholders in their obstinacy choose to appoint him as their managing director, the Government may come down upon him and say, 'We do not approve of him; he is not the right person; he comes within the ambit of the disqualifications'. I can understand that. But I do not understand why every choice of the shareholders should be subject to the approval of the Government in so far as managing directors are concerned.

Now, when we enacted our Constitution, in the preamble we guard against this. We know that so far as an individual is concerned, he must have the right to grow to his full stature, and although we were of the opinion that the community also should have a right, yet we came to the conclusion that the individual's right must be there. The words used are "fraternity assuring the dignity of the individual and the unity of the nation". I beg to ask, what is the right of this individual when so far as his property is concerned, you regiment all the incidence of management of his own property? Suppose I am the owner of 50,000 shares and I join with others and we want that our company should be managed by Shri Deshmukh because we like him very much; yet Shri Khandubhai Desai, who is the Finance Minister then says 'No. I do not approve the choice'. My choice should be the first. I know how my property is to be managed.

Mr. Deputy-Speaker: Are there not cases when people have to be guarded against themselves?

Pandit Thakur Das Bhargava: If that is so, Government will be perfectly

justified in regimenting life in this way, that you shall engage such and such a servant, you shall eat this, you shall not eat that. Now, the persons whom you are referring to who ought to be guarded against them, also are under court of wards or guardianship or in the lunatic asylum. Here it is the case of a man who is a good man, a good citizen, having the right to manage his property, and so far as his rights to manage his property are concerned, they should not be curbed by the Government in this manner.

Mr. Deputy-Speaker: Is there not a Usurious Loans Act? Suppose a man contracts to give cent. per cent. interest?

Pandit Thakur Das Bhargava: I am not objecting to that.

Mr. Deputy-Speaker: So long as the individual is an animal all by himself, he need not be regulated by the State. But when one lives in a society, his freedom may be a negation of the freedom of other people.

Pandit Thakur Das Bhargava: I do not object to many of the curbs. I am in agreement so far as controlling the propensity to profit is concerned, and so far as the exercise of other powers is concerned. But so far as my manager is concerned, suppose I own an estate, will the Government come and say, 'No, do not appoint this man as your manager'.

Mr. Deputy-Speaker: There he deals exclusively; here he is dealing jointly with the rest.

Pandit Thakur Das Bhargava: Suppose twenty of us join and we own a particular estate.

Mr. Deputy-Speaker: Has he the right to impose his will on the twenty-first one?

Pandit Thakur Das Bhargava: So far as imposition is concerned, the Bill refers to proportional representation. But we are agreed that we shall have this man; why should the Government come and say, 'No, you shall not have him'.

Mr. Deputy-Speaker: Is it unanimous?

Pandit Thakur Das Bhargava: Suppose it is unanimous or approved by a large body of people.

Mr. Deputy-Speaker: The large body has no right to impose itself on the small body.

Shri C. D. Deshmukh: He is really in favour of people being allowed to make fool of themselves, if they want to.

Pandit Thakur Das Bhargava: I am sorry, I have not heard what the hon. Finance Minister said.

I was submitting that so far as this aspect is concerned, after all a person has some property, and he has a right to dispose of his property or managing his own property. Why should not a collection of people who own a a particular property have that right? Why should Government come in?

Shri C. D. Deshmukh: Does it mean that the hon. Member objects to all those chapters about restrictions on managing agents, disqualifications of directors and so on and so forth?

Pandit Thakur Das Bhargava: No.

Shri C. D. Deshmukh: Why not?

Pandit Thakur Das Bhargava: After all, in a matter of this moment, I do not maintain that the individual has an absolute right. The society has a right, through the Government to see that things are not mismanaged, and this is the basis of your Bill. Why did it not strike you for 70 or 80 years before 1951, that the Government should have the last word, so far as this kind of management is concerned. In 1951, Government brought in this Bill for a temporary period of three years. Now, they are making it permanent. The best persons to make a choice are the share-holders themselves. The Government may also commit a mistake. Government shall have to inquire. The share-holders know the people who are in the management. They know them much better than the Govern-

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ment might possibly know them. There is no reason whatsoever that the Government should impose themselves on the share-holders regarding the managing director. They are taking so many powers. I am not opposing all those things. I am only submitting in the case of the managing director. In his case, you will be pleased to see he is a director. The director is only appointed by the share-holders. The Government do not approve of him. The manager is also not approved by the Government. Then why this provision about approval of the managing director by Government?

Mr. Deputy-Speaker: He is the executive authority, the head of the administration.

Pandit Thakur Das Bhargava: My submission is, how is his position better than that of a manager so far as management is concerned? They are both defined in the same way. Manager is one who has substantial authority of management; the same is the case with the managing director. I do not understand this difference as between the manager and a managing director; I do not see the logic behind saying that the managing director cannot be appointed except with Government's approval.

Now, in clause 268, they have got a double dose. First of all, the Government shall approve, and so far as the Government are concerned, if they disapprove, to that extent, he will not be appointed. Therefore, I am submitting through my amendment No. 867 that for "shall not have any effect unless approved by the Central Government, and shall become void if, and in so far as, it is disapproved by that Government", substitute "shall become void if it is disapproved by the Government for reasons mentioned in section 266 or section 273 relating to directors". The Government can certainly say that this man who has been appointed by the share-holders is disapproved of because so far as disqualification is concerned, he comes within the ambit of those disqualifications. I can very well understand that, but I do not understand why initially even if he is not disqualified in any manner, he should be got approved by Government.

So far as this question is concerned, I also referred to it at the time of the general discussion and said that it offended against article 19(g): 'to practise any profession, or to carry on any trade or business'. I do not understand why a person who has been chosen as managing agent by a large body of share-holders and who has been carrying on this business for a long time, and has justified his position over a long period by virtue of the fact that he has brought success to the company, should in the case of re-appointment, seek the approval of the Government. The approval may not be given for a hundred and one reasons. We cannot say that all approvals and disapprovals will be on merits alone. You have got many other restrictions against the managing agent which I accept. You say that he shall not get more than 5 per cent. All right. You say he shall be there only for five years. I accept all those restrictions. But why should this double dose be given and all the initiative of the private man taken away and his life regimented in this manner? First of all, I am looking at it from the share-holders' point of view. I refuse to be guided in this matter by the advice of the Government or any officer of Government. My own advice, my own information, my own choice of a particular man to manage my property or estate, when I am backed by the share-holders, must be supreme. There is an agreement between the company and the managing director. What is the difficulty? Therefore, on the principle that a man is the best judge of his own affairs, is the best judge of his own commitment, investment and management of his property, on this broad basis, I think it is taking away from the liberty of the subject, taking away from the private life of a man his right. We provided in a particular article of the

Constitution that there should not be concentration of wealth in a few hands. But there is concentration of power in the hands of the Government and nothing is left to the private individual as a private individual. I am objecting to my powers—circumscribed though they may be in the public interest—being touched in this way. I have been for a long time enjoying all these rights. What has happened since 1951? If there had been any lapse on the part of managing agents, all right, you have clause 323, which we will consider at a later stage. But so far as managing directors are concerned, no evidence has been placed before us to the effect that managing directors have not behaved well.

1 P.M.

Shri U. M. Trivedi (Chittor): Will it not militate against the fundamental rights given by the constitution?

Pandit Thakur Das Bhargava: That I have already dealt with. Therefore my humble submission is that seeing it from the point of the view of the managing director who has proved himself to be a success for that company, in the case of re-appointment this will not be fair.

There is one other difficulty. Supposing the Government takes this power. What about persons who come to Government for the first time? How does the Government know that they will or will not make a success? After all, we go by past experience. Persons who are a success according to me, may not be a success according to Government. I can understand that so far as the private citizen is concerned his rights should be safe in the hands of the Government. I respectfully submit for the consideration of the hon. Finance Minister that he should consider it from the point of view of the rights of the private citizen. I can understand that in particular emergencies you can have regimentation of all my activities ordinarily and in the industrial field also. But you should not make the private citizen a slave of yourself. If a person has been a success for the last 20 years there is absolutely no reason why he should be allowed to be re-appointed only after your approval. Your approval may be wrong or your approval may be right. At the same time, let him be allowed to commit honest mistakes.

One law was brought by the then Home Minister Shri Rajagopalachari, —the Press (Objectionable Matter) Act—and then he said that it was a scare-crow, that they did not want to use that but it was a scare-crow for the people. This Bill has come now which has been characterised by the Finance Minister himself as a scare-crow. But, in this case I find that they will exercise all these powers. Every person will have to run to some officer of the Government and ask him, 'Kindly give approval to my appointment or re-appointment'. I can foresee what would happen. Fifty thousand companies have to be controlled by the Government and the managing agents and the managing directors have to be appointed by the Government. There is bound to be nothing but nepotism and jobbery if it is left to the smaller people; and the hon. Finance Minister cannot do everything himself. The result will be—when they are going to have Rs. 750 crores invested in the Second Five Year Plan and start new companies—that ultimately we shall find that either all this breaks down or they will not be able to implement the promises that they are making.

Shri C. D. Deshmukh: Mr. Deputy-Speaker.....

Shri C. R. Iyyunni: Sir, I would like that he may answer some of the questions that I want to put to him.

Mr. Deputy-Speaker: That also takes away some of the time.

Shri C. R. Iyyunni: Sir, there are amendments and we do not get a chance of speaking; and, if we are not even allowed to put questions and get answers, if this is also prevented, I do not know what is the use of our being here.

Mr. Deputy-Speaker: Hon. Members must have stated to the hon. Speaker that they wanted two more hours. At that time, they keep quiet and now want me to extend it.

Shri G. D. Somani: You can extend it by half an hour more.

Mr. Deputy-Speaker: I have no right. Hon. Members do not assess their time properly; they ask one hour and then they ask for more time.

Shri U. M. Trivedi: Yesterday we agreed to sit one hour more after Monday.

Mr. Deputy-Speaker: That is after Monday. All right, Shri Iyyunni.

Shri C. R. Iyyunni: In our part of the country there are a number of banks in which at the termination of the period—that is one year—all the directors vacate office. Now, according to this clause, it is only with regard to the retiring director that no notice need be given. That is what is stated. At that particular time all the directors vacate office and it is not a case of the seats of one-third of the directors becoming vacant. All of them go out of office and new people are put in. In that case is it necessary that they should also give a statement of consent before they stand for election? What is stated in this particular clause is that a statement of consent must be given to the Registrar before he is elected; so many days before his election. Will it not be enough if that consent is given after the man is appointed or elected? What exactly is the usefulness of this particular provision there? I would like to be informed about it.

Mr. Deputy-Speaker: The chance of anybody being elected against his consent must be very rare.

Shri C. D. Deshmukh: *Prima facie* there seems to be no chance. In any case, I do not know what the advantage would be of answering this. However, the hon. Member's fears will be allayed which can be allayed later or his fears will be kept alive in which case the situation would remain unsatisfactory till an amendment is moved. It would be very much better.....

Mr. Deputy-Speaker: He says he has moved an amendment but he has not been allowed to speak.

Shri C. D. Deshmukh: Which amendment?

Mr. Deputy-Speaker: What is the number of the amendment?

Shri C. R. Iyyunni: No. 512.

Mr. Deputy-Speaker: Yes, to clause 263. That has been moved.

Shri C. D. Deshmukh: Then I will deal with it. I thought he wanted to ask some questions without moving an amendment.

Mr. Deputy-Speaker: He said he had no chance to speak. The hon. Finance Minister.

Shri C. D. Deshmukh: I am sorry I misunderstood.

I shall first deal with the observations made by Shri Sadhan Gupta. He again raised the question of employees' representation, and this time in connection with representation on the boards. Shri Asoka Mehta also raised this issue and the latter said that in one form or other this has been before the Government for the last so many years and, therefore, he does not accept the excuse that Government have not been able to make up their mind. I can only reply that in these 8 years—I think it was the period he mentioned—many other things have been done. It is possible that many other issues which require an answer and which have been before Government have remained undecided. All I state is that this is among the issues on which Government have yet to take a decision. And, as the matter is before the Planning Commission, we hope that in a short while we shall be able to take a decision—in which case that deci-

sion will undoubtedly be embodied not only in this Bill but in many other Acts. There may be dozens of Acts in which consequential changes would have to be made.

The other question which Shri Gupta raised was the question of the number of directorships. He said there was no great logic in it and it was not related to capital or any other criterion. Judging from statistics alone, and some of those statistics have been quoted twice, we consider that the Company Law Committee has made a fair recommendation, a recommendation which, obviously, was the result of considerable discussion and a compromise because, I think, they say somewhere that they attach great importance to this recommendation. Therefore, the Joint Committee, regarding this as a very substantial reduction, were content to adopt the figure which had been recommended by them. Some of the statistics given, of course, may point both ways, that is to say, 9 families holding 600 directorships and so on. It may not be a precise measure of the scarcity of talent in this country. But, it is a well-known fact that in business and industry, traditionally, certain sections of the community have been engaged for generations and that possibly is the explanation both of the scarcity and of the large number of directorships that are held by individuals. What we have done is to indicate the desirability of this field being widened and if one were to be very theoretical in this matter.....

Pandit K. C. Sharma: The business community does not consist only of 9 families.

Shri C. D. Deshmukh: I said that a particular kind of talent.....

Pandit K. C. Sharma: It does not come by birth.

Shri C. D. Deshmukh: Everybody is a born M.P. but everybody is not a born businessman. What I mean to say is that everyone can be elected.

Shri S. S. More: Is that not a slur on M.P.s?

Shri C. D. Deshmukh: It is a compliment.

Mr. Deputy-Speaker: It is an appreciation.

Shri C. D. Deshmukh: It is a compliment to the M.P.s that anyone who has the necessary antecedents and record of public service can be elected as a Member but you cannot appoint anyone as a director or a managing director of a company, because, as I said, certain communities have made their impression; it may be that they were in possession of wealth and so on, and it has been aided by our *chaturvarnyam—brahmins, kshatriyas, vaisyas* and *sudras*—and so on and so forth. It is an obvious reflection of that. Having regard to the paucity of managerial talent in this country, to which the Company Law Committee have themselves referred,.....

Mr. Deputy-Speaker: Are there any qualifications legally set down for appointment of a managing agent that he must have a doctorate in business?

Shri C. D. Deshmukh: We are talking of directors now.

Mr. Deputy-Speaker: It is only a choice of those persons who are there at the time of promotion or otherwise. Likewise, M.P.s are also in the hands of those who choose—though no qualifications are set out in any Act. Therefore, to refer to M.P.s in this connection that they need not have any qualifications and that businessmen alone should have qualifications does not seem to be proper. I would, therefore, urge upon hon. Ministers not to refer to M.P.s in any of their answers. It is suggested as if a man is born with a businessman's talent even from his mother's womb while an M.P. can come from any other persons. I would only urge upon the Minister to consider that whosoever elects an M.P. does not do so blindly. No qualifications are set down statutorily for an M.P., neither are they set down statutorily

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for a managing agent that he should have five heads and ten legs—nothing of the kind. Need the managing agent be a B.A. or an M.Sc.? How can it be said that an M.P. need have no qualifications but that a businessman should have qualifications? On second consideration I feel that as far as possible, no reference shall be made to M.P.s. in any analogy as that will avoid any kind of misunderstanding....

Shri C. D. Deshmukh: I am very sorry, but what I meant was "not specialised talent".

Mr. Deputy-Speaker: It need not be said that no specialised talent is necessary and that anybody can become an M.P. I say likewise anybody can become a businessman. I can start business tomorrow. I can learn it in ten years and another man can learn it in five years. Therefore, unless there is a statutory obligation for an M.P. not to possess any qualifications and for a managing agent to possess a doctorate in business or some such thing, I cannot understand this. Both are born in the same way. There is *sui juris* for a person before entering into a contract that he must have attained the age of eighteen years, but here the age is twenty-five years. How can it be said that an M.P. need not have any qualifications whereas for the other man so many qualifications are needed? Will the company law taboo an M.P.? I would rather say that both an M.P. and a businessman stand on the same footing. On the other hand, as hon. Members know too well, an M.P. has to spend some money. Therefore, this sort of reference provokes an unnecessary controversy, and therefore let us avoid it. The hon. Minister is always sweet in his reference, but occasionally this one thing has occurred. I feel that no reference should be made in any speeches on the floor of the House, however much a person may be provoked to say, that M.P.s do not require any qualifications.

Shri C. D. Deshmukh: I did not refer to qualifications at all.

Shri S. S. More: He did.

Shri C. D. Deshmukh: My words did not include the word "qualifications"....

Mr. Deputy-Speaker: Anybody can become an M.P.; anybody can be elected an M.P.

Shri C. D. Deshmukh: But anybody cannot be elected a director.

Shri S. S. More: Why not?

Shri C. D. Deshmukh: Because the field is so much narrowed down.

Mr. Deputy-Speaker: I would urge upon the hon. Minister not to refer to M.P.s. All of us have come here and we have ultimately to decide who is to be in charge of it. We are super-managing agents, so to speak.

Shri C. D. Deshmukh: I shall give another analogy. Anybody can be appointed an officer of Government but anybody cannot be appointed a director, because a person wants to entrust his money to a man who has dealt with money—and it is not a thing in which a man can be trained by going to business schools and so on. I was trying to explain why it is that nine families—maybe fifty or hundred—are sharing five hundred directorships. I was trying to explain the historical phenomenon here.

Shri K. K. Basu: Does he know that all of them have the necessary qualifications now?

Mr. Deputy-Speaker: I know the case of an eminent lawyer whose son is a dud. Does the hon. Minister suggest that the son of a businessman is an extraordinary businessman?

Shri K. K. Basu: I can cite names (*interruptions*).

Shri C. D. Deshmukh: That is a matter of argument. So far as M.P.s are concerned, I accept whatever you say. I only want to give an analogy

to illustrate my point and I am not hurting anyone by saying that anyone can go and become an officer of Government, but when shareholders appoint directors, they usually see for someone who is actually doing business and who has made a success of it. You are quite right when you said that anyone can start business, but I am sure you would not say that anyone would succeed in business. There is only a limited number of fortunate people who have shown some success in business that are generally called upon, so to say, to become directors. The choice is always right.

Pandit Thakur Das Bhargava: If they are men of business and they are elected and everything is done, why make it subject to the approval of Government?

Shri C. D. Deshmukh: That is another matter, which my friend is bringing in support of his point. We were content to give some indication of our desire that this chance circle should be widened. We really have no logical case for saying that twenty by itself determines everything. Twenty companies may be very small companies with a total capital of Rs. 50,00,000 and three companies may themselves absorb Rs. 30 crores. There are men who are directors of a company with Rs. 30 crores—like the Sindri one, a Government company. Whether you add another nine or ten companies to it or nineteen companies to it and make up another Rs. 1,00,00,000, it does not really seem to me to make very much difference. Nevertheless, in such matters it is good to give an intention of one's ideas, that is to say, a token of what one would like to see, and if that by itself does not prove to be a corrective to people amassing directorships, why should one proceed to the next stage of elaboration? Therefore, I said theoretically it may be that there is a plausible case for limitation of directorships on the size of the company or the share capital, but that basis is likely to be misleading. Moreover, the time and effort needed to look after the affairs of small companies may even be the same as the time and attention such a director might have to bestow on big companies. For instance, the work involved for a director in the case of a new company will be much greater than in the case of a going concern. The director's responsibility will vary with the number of other directors on the board and of the quality of the other colleagues on the board. It is not possible, we feel, to enter into the refinements in the statute and there does not seem to be any virtue for us to fix the number of directorships. It only hinges on the share capital of the company and that by itself is not a complete solution.

Now I come to the problem of share qualification to which also Shri Gupta referred. He said that the share qualification of a director should be limited to shares of the value of Rs. 500. I should like to point out that there is no statutory requirement about such qualifications. It is for the articles of a company to lay down the share qualification of a director if it so desires. All that the Bill says is that no article should provide for the share qualifications exceeding Rs. 5,000. It is perfectly open for a company either to fix or not to fix any share qualification for its directors. In this matter it is not easy to say that the maximum of Rs. 5,000 should, therefore, be further statutorily reduced since it is a matter within the discretion of the company.

Shri Sadhan Gupta: Discretion should be limited.

Shri C. D. Deshmukh: That is a minor point. If there is a danger that a company might go beyond Rs. 5,000 in order to deny themselves the pleasure of having directors it is their look-out. If they felt that they ought to regulate their affairs first by this criterion of a man having Rs. 5,000 in order to be able to buy a share I should say that it is their concern and one should not be unduly influenced by that consideration.

Mr. Deputy-Speaker: They go on modifying the articles from time to time. Originally when the company is small the share qualification may be small but as it increases in importance, they amend the articles and then say that hereafter the director, shall pay so much.

Shri C. D. Deshmukh: They could do so. I think it is best to leave it flexible as it is.

Then comes a very important question. I now come to the observations of Shri Asoka Mehta barring what are already covered by my remarks in connection with the previous speakers. This is with respect to interlocking directorates. This is an aspect of the old and big problem of interlocking finance, interlocking directorships and interlocking company finance. The provisions of the Bill, we felt, relating to associates of managing agents should go far to reduce the incidence of such interlocking directorates and the restrictions imposed on the powers of directors will in our view further reduce the evils arising from such interlocking. Shri Asoka Mehta referred to the evils of interlocking of directors on the banking and the insurance companies on the one hand and the joint stock companies on the other. The problem of concentration of economic power which results from interlocking directorates as between joint stock companies and banks and insurance companies has to be tackled administratively and it seems to us that no amount of legislation will be able to remove this evil because of the widespread practice of appointing nominees as directors. We feel that now that the new department for administration of Company Law has been created it will be possible for this department to watch the activities of companies closely and the inter-connections with banks and insurance companies through their common directorates and to suggest remedial action against demonstrable evils in consultation with the Reserve Bank of India and the Department of Insurance. These observations, I may add, apply to many other things. In many other matters the House has felt that we ought to go further in this matter of regulation. One difficulty that we have is that we are not really sure of possessing up-to-date facts. It is true that from time to time evidence has been tendered and recorded by associations or by the expert committees. There are *ad hoc* enquiries made and so on. I have conceded that, in the past, administration of Company Law has not been very active and alert; indeed one would be justified in saying that it has been dormant.

Now we hope to be able to change all that. I hope we shall have a good research department associated with this new department and in a few years' time we shall have quite a good mass of data which will be more accurate, on which one could proceed and formulate policies and measures connected with the regulation of companies.

For the present it is really a question of forming one's judgment. Hon. Members who take another view say that the Joint Committee or the Finance Minister do not seem to have given attention to this or that matter. The facts are that they have given attention to it. But all are not in possession of the same set of facts and a large common body of facts is available to almost everybody who is devoting thought to this subject. Finally what emerges is honest difference of opinion—that is to say whether a particular sequence will follow or will not follow or whether a particular remedy will or will not be effective. When one reaches that stage there is really nothing more to be done except to say that this is the view to which I have come and hon. Members should have no sense of grievance that other people do not see eye to eye with them on every issue. The only thing is that so far as Government is concerned there is also a certain sense of executive responsibility apart from legislative responsibility. That is to say the executive will be called upon by the same legislature

to say whether they have succeeded in regulating it properly or whether certain other aspects of the plan in the industrial field have or have not been fulfilled and therefore the executive is inclined to take a little more conservative view than at least some Members of this House. That is all the difficulty in this matter. It is not as if the advantages and the disadvantages are not seen. There is an awareness that there is another side to the question and it is only a question of forming a judgment on the material available. That particularly applies to this vexed question of proportional representation. We have a representative—Financial Counsellor —in our Embassy in the U.S.A. and I had some enquiries made as to how this system was working in that country. I wanted to know in particular roughly what percentage of the companies operating there had this cumulative voting and how they felt about this method and how this method of voting for the election of directors has worked out in practice: whether it has affected the smooth working of the board of directors. These were the aspects which troubled Members on the opposite side. The answer was—I am not reading the whole of it; the cumulative voting method has been adopted for sometime now in the United States—not in all the States but in some parts of it. It is not recognised as common law and the courts have generally held that it can accept it as right only where statutory provision has been made for its use. 21 States, I think out of 49, insisted on the provision for cumulative voting. That is in 21 States, the requirements of cumulative voting is prescribed in the State Constitution. 17 States including New York, New Jeresy and Delaware have enacted legislation permitting companies to provide cumulative voting if they so desired.

Shri N. C. Chatterjee (Hooghly): They are made optional.

Shri C. D. Deshmukh: Over ten States have made no provision for cumulative voting. It is, therefore, not correct to say that in the United States all voting is cumulative voting. There are large differences—in 13 States it is compulsory; in 17, optional and in 10 States there are no provisions.

Mr. Deputy-Speaker: What about 9 others? 13 plus 17 plus 10 comes to 40.

Shri C. D. Deshmukh: We do not know about those nine. There is provision in 21 States but 13 insist on the provision that there should be some provision; it may be optional. That is where the difference comes in. 21 States insist on provision of cumulative voting; in 13 of these the requirement is prescribed in the State Constitution as compulsory. 17 States, as I said, have enacted permissive legislation and 10 others have no provision. It is understood that by and large the companies incorporated in the permissive States have not elected to provide for cumulative voting permitted in the Constitution. They have not actually in their laws provided. There is difference. The Constitution provides something and then the State goes on to eanct a law and implement it. The majority of the corporations which have securities listed have no such provision. Apart from such legislation, the Banking Act of 1933 requires provision for cumulative voting in all elections of directors of the country's 5,000 national banks.

Mr. Deputy-Speaker: Does it apply to all banks?

Shri C. D. Deshmukh: It applies to what they call "National Banks". There are also some Federal Banks. I think they call "national" in the sense that it belongs to a State rather than "national" in the sense of belonging to the whole country which they call "federal".

Mr. Deputy-Speaker: Why should it apply to banks as opposed to other joint stock companies?

Shri C. D. Deshmukh: There is a general feeling that in public utility companies and companies in which

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the public have a more than ordinary interest, cumulative voting is preferable. Banking is a special kind of industry.

Mr. Deputy-Speaker: That is why there are not managing agents also.

Shri C. D. Deshmukh: There are certain distinctions here also. Now, an analysis of a few companies' experience in contests of directorship showed—I mean to say, in regard to question of disputes—that companies with provision for cumulative voting which are only 40 per cent of the total; that is to say, companies with provision for cumulative voting are 40 per cent of the total, and in these companies 60 per cent of the total contests were found. In other words, the number of companies providing for cumulative voting is smaller, 40 out of 100, but the contests are 60 in these companies and 40 in other companies. Therefore, the idea that, if you have a cumulative system of voting there is probably a greater chance of disputes, which was put forward by Shri Tulsidas seems to be slightly borne out by these figures.

Mr. Deputy-Speaker: Smaller the constituency, the larger the possibility of interest.

Shri S. S. More: Can we not say that because there is cumulative system of voting people are encouraged to offer themselves as candidates because there is some chance of success and it is not an indication of larger number of disputes?

Shri C. D. Deshmukh: Maybe. I am not saying this way or that way. These are contests; whether they are good, wholesome or not I am not able to say. I am only actually quoting a report which I have received. I thought that it might be of some interest to the House on this matter because the House has taken a great deal of interest in this.

Therefore, our conclusion is that contests for directorship are more frequent—which, as hon. Members say, may be wholesome—among companies with provision for cumulative voting. You might say: this is what we expect, unless what the hon. Member referred to was about the disputes that go on inside the board of directors after the directors have been elected. So, in a sense it may be said in favour of proportional voting that larger number of people take interest in voting and so it is not so much of a packed body or a parcel electorate.

Mr. Deputy-Speaker: Have we no information regarding the manner in which these are conducted inside the board of directors?

Shri C. D. Deshmukh: No, Sir.

Now, I would like to say that the three major States—I said that 17 States which have permissive legislation include New York. New Jeresy, and Delaware—together account for 45 per cent of the total number of companies. These are very big States.

Mr. Deputy-Speaker: That is only optional.

Shri C. D. Deshmukh: Yes.

Mr. Deputy-Speaker: How many have exercised the option in favour of cumulative voting?

Shri Morarka (Ganganagar-Jhunjhunu): Perhaps none, Sir.

Shri C. D. Deshmukh: 11 per cent. We have made an investigation and the investigation shows that out of 189 companies incorporated in permissive States—this was chosen at random; this is a random sample from among leading firms in a wide variety of industries—only 21 companies or 11 per cent have exercised their right for cumulative voting. Therefore, we draw the conclusion that by and large the more important companies in the permissive States have not seen it fit to provide cumulative voting. There again, that might strengthen the argument, of those who are urging for this, that if you leave it permissive then you

might as well not live on the hope of this system arising in this country.

Shri K. K. Basu: Does it give any indication that either there is a tendency for increase or going away from this permissive system?

Shri C. D. Deshmukh: I have got a static report. I have not got a report of the trend. They must have taken it at a particular period.

Mr. Deputy-Speaker: Have we any information when this option was given to the States?

Shri C. D. Deshmukh: I am reading this report more or less verbatim. There is no further information in this letter which I have received.

Mr. Deputy-Speaker: If over a number of years—say, 30 or 40 years —more than 11 per cent have not taken advantage of this.....

Shri C. D. Deshmukh: I have not got any information.

As regards how this method of voting has worked in practice; that is to say, whether it has effected smooth working of boards of directors, the letter says that the answer can only be given after considerable research on voting practices of various companies. "Very often"—it concedes—"the very presence of the representatives of minority shareholders on the board of directors acts as a moderating influence on the actions of the management on the Board." Of course, a point to that effect was also made here. Even the mere threat arising from the process of voting which confers the right on minority shareholders to elect representatives has a similar effect. But, it is understood that in actual practice the day to day management of the affairs of the company, which inevitably rests in the hands of the nominees of majority shareholders, remains largely unaffected.

Shri Morarka: Hear, hear.

Shri C. D. Deshmukh: I thought that was an argument against the hon. Member.

Shri Morarka: Smooth working cannot be affected. The point is that the management would rest with the majority.

Shri C. D. Deshmukh: There is no such word as "smooth". It only says: "the management which rests in the hands of the nominees of majority shareholders"—it does not say whether it is smooth or whether it is not smooth.

Generally speaking, the studies made confirm that majority stockholders in the closely held corporation and the management and board of the widely owned corporations occupy an extremely strong position in relation to minority stock-holders. That, I think is what one might expect. No system of cumulative voting or proportional representation is going to turn a majority into a minority. All that it will do is, as you have pointed out, to prevent it from swamping every other form of opinion. It says that cumulative voting has not in practice led to a weakening of the position of the management or the majority to a great extent. This is the report that we have received and, therefore, in theory I have not very much to say against it because it all depends on what the chances are.

I should like to point out—what I said in my intercession a little while ago—that what I fear is that instead of being a method by which the minorities which are only transient in their nature are represented, it might be a means by which small power groups will make sure that they get two or three directors on the boards of companies and they might emerge a kind of warfare among small power groups none of which is in a position to form a big majority. That danger also should not be ruled out.

Mr. Deputy-Speaker: Has any such difficulty arisen in the case of insurance companies where for the first time from 1938, 25 per cent or not less than 2 directors were of the policy-holders? I do not think any such rupture or difficulty has arisen.

Shri C. D. Deshmukh: That is a fixed number. One can understand minorities like policy-holders, debenture-holders, labour and the like. If they come in that is a different matter. In their cases there is a fixed percentage for minority. The point I was making was slightly different. Supposing we abolish the managing agent and yet the same person who wants to have some control wants to make sure that his 25 per cent comes in, it may be that certain other groups may join together and exclude him. But, in a system of proportional representation he is bound to come in. Therefore, he is a minority in one sense and yet he is a powerful person. He is not the kind of person whom we try to protect. Our idea is that an ordinary shareholder who wishes to send somebody up should have some chance. Instead of that this system could very well be used by small power groups in order to enter upon a warfare for capturing power in a company. That danger cannot entirely be ruled out. Also, it is a fact that this system does not obtain either in the United Kingdom or, as far as I know, in most other countries in Western Europe. Now, it is clear that—I have got the letter from the Bombay Shareholders' Association dated 20th August, 1955,—the Bombay Shareholders' Association have communicated their firm opinion that this system should be introduced. I also received a telegram from the Bombay Stock Exchange that they favoured this. We therefore think that since we are making a beginning we might see what advantages there are. After all, if a system has merits, then it should appeal to some people or the other. If it appeals to shareholders those who are anxious to secure the franchise of shareholders might be expected to have an arrangement by which shareholders will have some confidence in companies. I do not think we shall lose very much by leaving the matter there.

Mr. Deputy-Speaker: Is there any possibility of the Government interfering, where a large number of shareholders come in, and only because a few of them have got enormous shares, they refuse to allow this?

Shri C. D. Deshmukh: Not merely on the character of representation but arising out of the exercise of that power. If that power is misused, certainly then there are various sections, oppression of the minorities, a number of shareholders getting together, asking us to appoint Government directors, and so on and so forth.

Mr. Deputy-Speaker: Then, does the hon. Minister feel that this proportional representation also can be one of the things which would be taken into consideration if, in spite of a legitimate demand as against the two people who want to corner and get direct advantage ill or well, Government can interfere, as in some cases Government can interfere, when they find that the management is not right? Would they also take into account the demand of a large number of people, where it is legitimate, that proportional representation ought to be allowed there?

Shri C. D. Deshmukh: I should imagine that it will be one of the criteria by which we shall consider whether two Government directors should be appointed or not. Obviously it will be a case where minority interests have been ignored by a certain company. If, on investigation, we find that that is so, then the power is given to us to appoint the two directors.

Shri N. C. Chatterjee: Will you kindly look to clause 407 where power is given to the Central Government to prevent oppression or mismanagement? It occurs at page 205 of the Bill, and reads thus:

> "Notwithstanding anything contained in this Act, the Central Government may appoint not more than two persons, being members of the company, to hold office as directors thereof for such period not exceeding three years as it may think fit, if the Central Government, on the application of members of the company holding

not less than one-tenth of the total voting power therein, is satisfied that it is necessary to make the appointment or appointments in order to prevent the affairs of the company being conducted either in a manner which is oppressive to any members of the company or in a manner which is prejudicial to the interests of the company".

Would the Government be pleased to take into consideration, in the absence of proportional representation, the effect of this provision, if, with proportional representation, they had exercised this power?

Mr. Deputy-Speaker: I will go a step further. Is it open to the Government to appoint two directors who need not necessarily be shareholders? Is there any such restriction that they should be shareholders?

Shri N. C. Chatterjee: They will be shareholders? Kindly see the phrase. "members of the company".

Mr. Deputy-Speaker: Would you have an alternative? Instead of nominating two persons of course they will be appointed only when the Government are satisfied that there is oppression of the minority—by whatever name they are called—they may appoint other shareholders, if the other conditions are satisfied. Would it not be allowed as an alternative method? In such a case, the other two persons may be appointed or nominated by Government or the principle of proportional representation may be applied compulsorily to them at that stage.

Shri C. D Pande (Naini Tal Distt. *cum* Almora Distt. South-West-*cum*-Bareilly Distt.—North): The Government should also be satisfied that those who are taken into the Board of Directors should not have the only view of harassment and blackmail.

Shri C. D. Deshmukh: I have to submit with respect that there is a great deal in the suggestion that you have made and we should devote some thought to it when we come to clause 407. That seems to furnish a way out, that is to say, it widens the scope of this a little bit, and if we find that the permissive provision has not been taken advantage of, then if it is a proper case, we might say, "All right; you have failed to do so, when you were left free to choose your representatives in a certain way. Now, we do not think that appointing two directors will be a satisfactory remedy, because the circumstances which have led to this are likely to be more permanent than three years, and we may have to renew the sanction. Therefore, we think we should try this method of proportional representation in your case".

Shri K. K. Basu: Now, the provision is that the company has to accept it by a resolution. Is it your suggestion that even if the company does not amend the articles, Government can enforce it? I visualise this: supposing the promoters have a 26 per cent share. Then there is no provision. Ultimately even if the shareholders agree that there should be a proportional representation, they cannot amend the article if that 26 per cent cannot be covered by this resolution.

Shri C. D. Deshmukh: That will be a part of clause 407, how it should work and all that. Obviously you would not just leave it to Government to be guided by the articles when there would be something imposed on the article. All I can say is, this seems to be a good way out, because I have not two minds about this. If I was sure that in the 30,000 companies, by making this change, nothing whatsoever will happen, then I can say, "All right, you go ahead with proportional representation". I cannot dismiss airily the experience of some businessmen. I cannot say that every time they are interested. There are men opposite who have spent their lives in business and they say that according to their experience it would lead to a lot of disputes. On the other hand there is equally a competent businessman

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although somewhat younger in age, on this side and he claims that this will not read to any embarrassment. There are both these views and I am inclined to respect both these views. My diffidence in announcing a kind of decision seems to rest, at the moment, only on myself, a decision that we will do something which will affect 30,000 companies immediately on the commencement of the Act. It is only this humility, if I may say so, which prevents me saying, "Yes, we shall go ahead with this". I say that the power is there. It is nothing irrevocable that is being done. This matter has been discussed now very fully. We know the pros and cons. I have promised to consider what the actual experience is with the help of much more elaborate staff than the Company Law Administration had in the past, and I think the House should be content to let us examine and investigate this thing a little bit and immediately to consider clause 407—to see whether it could be improved in any way—so that we can strengthen the provision of the law.

Mr. Deputy-Speaker: The hon. Minister wants to get the experience, and therefore an option is given. I am only suggesting a method of enforcing the option in very hard cases. Hon. Members will, I think, consider the matter when we come to clause 407.

Shri S. S. More: I wanted to suggest that the proper place for having some power with Government, for the purpose of enforcing such a clause, to avoid any abuse of power, will be somewhere near clause 264.

Mr. Deputy-Speaker: The hon. Member is making it difficult for the hon. Minister to consider it.

Shri C. D. Deshmukh: That also applies to the private limited companies. The arguments which were advanced by C. C. Shah cut both ways. He said that we should introduce this in private limited companies because they seem to have a kind of unlimited freedom so far as those directors are concerned. There is no age-limit. They can impose special qualifications and all kinds of things. I feel that in this state of anarchy, it is hardly worthwhile introducing this one element of cumulative voting. It is not going to improve matters very much. If you do want improve matters, then you should consider all the other clauses also, and if you decide to leave these affairs of private limited companies unlimited, but private then, in that case it might not be worth-while only to introduce this. That is what prevents me from accepting the amendment No. 550.

Shri C. C. Shah: Yes; we shall have to revise our whole attitude towards private companies.

Shri C. D. Deshmukh: It is part of a whole philosophy. As the Company Law Committee pointed out, you may do this and that, and yet it is a kind of integrated whole; the system of regulation of companies is based on a certain philosophy. That philosophy seems to me that you would have the minimum necessary regulation, in order that the shareholders may gradually be trained to look after their own affairs. Where experience proves that they are going wrong we will interpose the law there to protect them from the consequences of their own folly. That is the kind of answer that I would give to Shri Morarka regarding another point. He asked indignantly, "why should we interfere with the approval of a managing agent by people who know very well what their interests and whose money is at stake?" My answer is that our experience has been that this power also has been abused to the prejudice of the shareholders. I received the other day a letter from a person who calls himself the managing director of a private limited company. He drew my attention to various evils in the course of which he says: "At present, the Registrar is only a dummy....."—he is referring

to the present system—"....and he is unable to do anything. Majority of shareholders in a private limited company appoint schoolboys as managing directors, who draw a minimum remuneration of Rs. 1,500 a month, plus motor car and all expenses from newspaper to funeral." This is how they cheat the minority shareholders, and this complaint comes from the managing director of a company.

Pandit Thakur Das Bhargava: Is this section applicable to private companies also?

Shri C. D. Deshmukh: So far as shareholders are concerned, the point was whether we should interfere with the freedom of the people, the investors of money, to appoint a managing director. Whether it is a private limited company or public limited company, I should say that the danger is so much greater, because the control is much more remote from the shareholder to the affairs of the company. There is also the danger of an unworthy person being appointed as managing director. I have known people appointing their sons-in-law and various other people as managing directors. We only want to screen these abuses which exist; we do not want to arrogate to ourselves the responsibility for finding out a managing director; in other words, we are not turning ourselves into a Federal Public Service Commission for limited companies. The object itself is a very limited one and it appealed to the House in 1951; and since there is no evidence that abuses of this kind will not recur in future, we thought it was a wise measure to make these temporary provisions permanent.

I now come to a small lacuna in clause 260. I think there is a great deal of force in the contention of Messrs. Nathwani and Morarka as well as Mr. Tripathi, so far as amendment No. 420 is concerned. Therefore, I am accepting in principle amendments Nos. 420 and 421.

Shri K. K. Basu: Are you accepting amendment No. 420?

Shri C. D. Deshmukh: Yes, I am accepting Shri Tripathi's amendment. Have I made any mistake in something?

Shri M. C. Shah: It is correct. Shri Tripathi's amendment is No. 420.

Mr. Deputy-Speaker: I have not yet put it to the vote of the House; there need not be any fear.

Shri C. D. Deshmukh: I accept Shri Kamakhya Prasad Tripathi's amendment and not Shri Kamal Kumar Basu's amendment. I am suggesting that instead of the present clause 260 (1)(f), we may substitute the following: "any associate or employee of the managing agent; or"

I am handing this over to the Secretary.

As regards removal of directors, I really cannot appreciate the argument of Shri Morarka about clause 283, namely, that directors should be removed only by a special resolution. You will see, Sir, that directors are appointed by an ordinary resolution and logically they should also be removable by an ordinary resolution. This is the provision in the English Companies Act and also the recommendation of the Company Law Committee. I fear I do not appreciate the apprehensions of Shri Morarka that there should be a provision for a special resolution.

I now come to clause 273.

Shri Morarka: Before the hon. Minister proceeds to the next clause, may I request that at least the directors appointed by the Government under clause 407 may not be removable under this clause 283.

Shri C. D. Deshmukh: There is no amendment moved by the hon. Member to that effect.

Coming to clause 273 which deals with the disqualification of directors, Shri Trivedi suggested that there should be no disqualification of a

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person merely because he was convicted in a court of law of an offence and sentenced to imprisonment for not less than six months, unless he was convicted of an offence involving moral turpitude. We considered this point in the joint Committee at some length and we were unable to agree to a precise definition of moral turpitude. For instance, a question was asked if contravention of the prohibition law involved moral turpitude or not. It was felt that the true criterion for the disqualification of a director should be the period of the sentence. I would point out in this connection that there is no absolute disqualification imposed by a conviction in a court of law. All that clause 273 says is that the disqualification should extend up to a period of five years. Further, the Central Government has the power to remove the disqualification incurred by a person by virtue of sub-clause (d) either generally or in relation to any company or companies specified in the notification. This power was conferred upon the Central Government so that they could examine the nature of the offence and give relief in cases of genuine hardship. Shri Trivedi also raised the question of age limit.

Mr. Deputy-Speaker: I may tell the Finance Minister that those lawyers who were convicted for a year or a year and a half were struck off the rolls. That was on the ground that they were guilty of moral turpitude. There it is defined. They were struck off the rolls because they were convicted of offences involving moral turpitude.

Shri C. D. Deshmukh: Was it for political offences?

Mr. Deputy-Speaker: Yes.

Shri C. D. Deshmukh: That definition would not be of much good to us. It was a specific definition for a specific purpose.

Shri U. M. Trivedi: I want to point out to the hon. Finance Minister that in clause 266 (1) (c) the words "moral turpitude" are used. If there will be no difficulty regarding the definition there, there should be no difficulty in using the similar language here. It occurs in clause 385 also.

Mr. Deputy-Speaker: Here it is. Clause 266(1)(c) reads:

> "is, or has at any time been, convicted by a Court in India of an offence involving moral turpitude."

Shri C. D. Deshmukh: Then, we will look over this again.

The Minister of Legal Affairs (Shri Pataskar): May I explain the Joint Committee's point? The Joint Committee has found a way out of this. Instead of using the words "moral turpitude" which cannot be clearly defined, they have given the power to the Central Government that in any particular case they may remove the disqualification.

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Mr. Deputy-Speaker: The only small point here is, if it can be defined in an earlier clause, it should be equally definable here also. Therefore, in clause 273 also, moral turpitude and reserve power for Government in proper cases to remove may be there. The hon. Minister may consider it.

Shri C. D. Deshmukh: It should be possible. It does seem that if a person knocks down somebody or exceeds the speed limit, he should be disqualified for 5 years from being a director. I am content if it stands over now.

Mr. Deputy-Speaker: Clause 273 will stand over.

Shri C. D. Deshmukh: As regards age limit, we feel that the provisions of the Bill are sufficiently elastic and do not need a change. If a company wants to appoint a person beyond 65 to be a director, there is nothing to prevent it from doing so, provided it passes a resolution to this effect. Then, there was the question of corporate directors. Shri Tulsidas referred to

clause 252 and said that it should be so amended as to provide for the appointment of corporate directors. No demand for corporate directors has been voiced from any other quarter and I really cannot see sufficient justification for differing from the well considered views of the Company Law Committee on this subject.

Then, there was the question of retention of clauses 258, 267 and 268. The question was referred to by Pandit Thakur Das Bhargava also. I have already answered that. They seem to be under the impression that these clauses should be applicable only to managing agents and not to directors. As the House is aware, these restrictions are imposed by the Indian Companies (Amendment) Act of 1951 and our experience has shown the practical usefulness of these provisions. As I said, there is no guarantee that these abuses will not recur and therefore, we do not wish to deprive ourselves of this remedy. We do not think that any hardship will result from the operation of these clauses because their existence itself has prevented many a malpractice from taking place. I think that is a very valuable safeguard.

Shri Tulsidas: The only point on which I would like to have an explanation is this. Clause 258 (b) says:

> "in the case of a company which came or may come into existence after that date, an increase which is within the permissible maximum under its memorandum and articles as first registered,"

You are increasing within the permissible number. Even then you want to go to the Government? If a company has got in the articles 8 directors permissible and they have appointed only 5, if they want to increase it further, within the permissible limit, they have to go to the Government.

Shri C. D. Deshmukh: That is so. According to the theory of numbers, you can have any number as permissible number.

Shri Tulsidas: The point is this. The report of the Joint Committee says that these clauses are required because of the managing agency system. That is the report of the Joint Committee. Therefore I say, why not exclude these clauses?

Shri C. D. Deshmukh: That is another point. The point now is, if the articles put a limit, why do you object. I say, the articles could be changed or new companies might start with the number as 200 directors so that they should never have to go to the Government for approval. Therefore, I think it is necessary to have them.

There is one other small point; otherwise, Shri Iyyunni will be angry. This is in regard to amendment No. 512 with regard to clause 263. This clause deals with first directors and directors appointed by the managing agents. So far as elected directors are concerned, before their re-election to the board, their consent to such a re-election is invariably first obtained. It is usual for companies when convening a general meeting to state in the notice to the members that so and so is due to retire by rotation and does or does not offer himself for re-election. Therefore, we think that this amendment is not necessary.

Shri K. K. Basu: I moved an amendment, No. 763 to clause 266. The clause relates to disqualifications of managing directors. It is said here; that an undischarged insolvent or a person who suspends or has suspended payment to his creditors, or makes, or has at any time made a composition with them or has been convicted by a court in India of an offence involving moral turpitude, cannot be appointed a managing director. You have completely left out the private companies from the operation of this clause. We do not understand why this clause should be excluded in respect of private companies.

Shri C. C. Shah: I have also pointed it out.

Mr. Deputy-Speaker: The objection seems to be that the disqualifications are of such a radical nature that private companies need not be distinguished from public companies.

Shri C. D. Deshmukh: The amendment is to omit this sub-clause 2.

Shri K. K. Basu: This must be made applicable to private companies.

Mr. Deputy-Speaker: If he is convicted or if he has become insolvent or suspends payment, these are of such a general nature and he ought not to be entrusted with funds whether belonging to a private company or public company.

Shri K. K. Basu: These private companies are managing agents of other companies. They are much more important in the economic life of our country. How can we accept this position?

Mr. Deputy-Speaker: This seems to have been added by the Joint Committee. It is underlined.

Pandit Thakur Das Bhargava: They should apply to both or to none.

Mr. Deputy-Speaker: We are not on the general question now. There is only a small point here. The disqualifications are of a serious nature. The hon. Minister is not responsible for this; the Joint Committee has added this. Why should the Joint Committee have taken this decision?

Shri K. K. Basu: It might possibly be at a depleted meeting where there were only 7 members.

Shri C. D. Deshmukh: This is not the only instance where we have left the private limited companies to their own resources.

Mr. Deputy-Speaker: What is urged upon the hon. Minister is, possibly a difference may be made with regard to age qualification. It is a small concern, it does not affect a large body. Therefore, even if a person over 65 is appointed let not the provision be made applicable. There are certain other provisions more innocuous than this. But, the man is guilty of moral turpitude. He cannot deal with any money.

Shri C. D. Deshmukh: I should say I would accept this, because after all, many other things besides the interests of the shareholders, are determined by the management of a private limited company. A private limited company may be the managing agent of some other companies. Especially when our attention is drawn to this, there is no public purpose served by my saying that this should remain. Therefore, I accept the amendment.

Mr. Deputy-Speaker: The communists are not excluded.

Shri Sadhan Gupta: I had moved an amendment for barring tax evaders from acting as directors: that is, those who have been guilty of evading taxes.

Shri C. D. Deshmukh: The hon Member would not accept the answer that we gave. Tax evasion is not on a par with the commission of an offence. Indeed it is a social offence. But, the words of the amendment, I think, are, found guilty by a court or tribunal. If you see the defunct—I think it is defunct — Income-tax Investigation Act, it never calls itself a court. It is a Commission. Neither is the word 'guilty' ever used as far as my memory goes. About 75 or 80 per cent. of the cases were settled cases, that is by compromise. In other words, the Commission went into the affairs of a company and said: don't you think a mistake has been made here in giving so much cloth out of so much yarn and the company has been gracious enough to admit, yes, probably it has been made and therefore I agree. Therefore, I do not think it comes in that class, and that is the reason why.....

Shri K. K. Basu: Does he mean to say that tax evasion is legally allowed in our country?

Shri C. D. Deshmukh: It is not an offence in the sense that a person is found guilty of it. The words of the amendment do not apply to anything

that exists in fact. I am the last person to justify tax evasion, but I do not say that it is an offence of which a person is found guilty.

Shri H. N. Mukerjee (Calcutta North-East): The Finance Minister seems to agree that, substantially speaking, since tax evasion is a social offence it should not be countenanced. Perhaps in that case, some deficiency in the drafting of the amendment might be rectified. If he is prepared therefore to accept the amendment substantially, in that case perhaps some kind of *via media* can be devised.

Shri C. D. Deshmukh: No, Sir, I am not prepared to accept it.

Mr. Deputy-Speaker: Hon. Members will consider that it is not an easy thing. Twice, three times penalty, any amount of penalty can be imposed and recovered.

Now, I will put the clauses to the vote of the House. Hon. Members will kindly say if they want me to put any particular amendment to the vote of the House, and I shall do so. Otherwise, I shall proceed with the respective clauses.

First, I am taking Clauses 251 to 254, both inclusive. No one has stood up. The amendments concerned, I take it, are not pressed.

The question is:

"That clauses 251 to 254 stand part of the Bill".

The motion was adopted.

Clauses 251 to 254 were added to the Bill.

Mr. Deputy-Speaker: The question is:

Page 135—

after line 31 *insert:*

"245 A. *Election of Directors by Employees.*—(1) The employees of a company who are workmen within the meaning of the Industrial Disputes Act (XIV) of 1947, shall elect by secret ballots from amongst themselves, one director or a number of directors equal to one-fourth of the total number of directors, whichever number is greater.

(2) A director elected under sub-section (1) shall hold office—

(a) if elected before the statutory meeting from the date of such meeting to the day previous to the date on which the annual general meeting is held; and

(b) if elected before any annual general meeting, from the date on which such annual general meeting is held till the day previous to the date on which the next annual general meeting is held.

(3) The said employees shall at any time be entitled to elect such number of directors as may be necessary to make the number of such directors equal to the fourth of the total number of directors, and shall elect such directors when additional directors are appointed under Section 259".

The motion was negatived.

Mr. Deputy-Speaker: To clauses 255 to 259, are any amendments pressed? None.

The question is:

"That clauses 255 to 259 stand part of the Bill".

The motion was adopted.

Clauses 225 to 259 were added to the Bill.

Mr. Deputy-Speaker: There is an amendment to clause 260, as amendment No. 421. That is what was said.

Mr. C. D. Deshmukh: I have given a combined amendment in respect of 420 and 421.

Shri N. P. Nathwani: I wanted to say something about clauses 260.

Mr. Deputy-Speaker: The hon. Member has missed the bus. There are many amendments by hon. Members I will close the whole chapter. I cannot allow any hon. Member to speak now.

Shri N. P. Nathwani: Most probably I think the hon. Finance Minister will agree.

Mr. Deputy-Speaker: He may agree, he may not agree. I am not going to agree. There is a stage when the Chair also must agree. Now, the whole thing is over. Even now if he has no objection I will put it to the House. It is open to him to say. The voices will be counted.

Shri C. D. Deshmukh's new amendment is:

Page 138—

for lines 6 and 7, *substitute*:

"(f) any associate or employee of the managing agent; or"

then, sub-clause (g) must go. I understand from this note:

"The above may be substituted for clause (f). It combines clauses (f) and (g) as given notice of by Shri Tripathi and others."

Shri Pataskar: No, no. It is a new amendment, but it carries out the effect of amendments Nos. 420 and 421.

Mr. Deputy-Speaker: But, is sub-clause (g) to stand or not?

Shri Pataskar: Let it be moved as an independent amendment.

Mr. Deputy-Speaker: Which one?

Shri Pataskar: The new amendment.

Shri C. D. Deshmukh: The question asked is whether you want sub-clause (g).

Mr. Deputy-Speaker: Because I find here.....

Shri C. D. Deshmukh:

In Page 138—

for lines 6 and 7, *substitute*:

"(f) any associate or employee of the managing agent; or"

Mr. Deputy-Speaker: That I have done. But in the note that is handed over to me I find: "The above may be substituted for sub-clause (f). It combines (f) and (g) as given notice of by Shri Tripathi and others, and by Shri Nathwani and Shri Morarka." That (g) refers to his amendment, is it not, in the clause?

Shri Pataskar: No, no. 420 is another amendment and the effect of both of them is the same. The original clause will stand as it is with this amendment.

Mr. Deputy-Speaker: Then I will put it to the vote of the House. The number of this new amendment is 892.

The question is:

Page 138—

for lines 6 and 7, *substitute*:

"(f) any associate or employee of the managing agent; or"

The motion was adopted.

Mr. Deputy-Speaker: Are there any other amendments?

Shri C. C. Shah: 419.

Mr. Deputy-Speaker: Notice was not given.

Shri N. P. Nathwani: It is not given in the Consolidated List, but we have tabled that amendment, and I understand the hon. Finance Minister.....

Mr. Deputy-Speaker: I will look into that.

Shri C. C. Shah: It reads:

Page 137, line 30—

after "the articles" *insert*

"or by an agreement".

Because managing agents may be authorised to nominate two directors either by the articles or by the agreement.

Shri C. D. Pande: "Agreement" is vague. It may contain a loophole.

Shri C. C. Shah: There are managing agency agreements which are well-known, and it is only the agreement which gives the right to appoint directors. Shri Tulsidas also agrees.

Shri Tulsidas: I agree.

Shri Gadgil: Once in a way they agree.

Mr. Deputy-Speaker: The question is:

Page 137, line 30—

after "the articles" *insert* "or by an agreement".

The motion was adopted.

Mr. Deputy-Speaker: These are the only two amendments. The others are not pressed.

The question is:

"That clause 260, as amended, stand part of the Bill".

The motion was adopted.

Clause 260, *as amended, was added to the Bill.*

Mr. Deputy-Speaker: The question is:

"The clauses 261 and 262 stand part of the Bill".

The motion was adopted.

Clauses 261 *and* 262 *were added to the Bill.*

Mr. Deputy-Speaker: Now, I come to clause 263. There is amendment No. 512 by Shri C. R. Iyyunni. Does the hon. Member want to press it? I think the hon. Member's point has been answered. Before renewal takes place, they usually send a notice informing the people concerned that such and such a gentleman is willing to stand. What is the good of wasting a vote over a gentleman who is not willing to stand? Some people may get disgusted and retire in favour of other hon. Members.

Shri C. R. Iyyunni: As a matter of fact, such a thing does not happen.

Mr. Deputy-Speaker: The world is much bigger.

Shri C. R. Iyyunni: For instance, somebody may say he is not willing to stand. For instance, a Member of Parliament may say that he does not want to stand. But such a thing never happens either in a bank or in a co-operative society.

Mr. Deputy-Speaker: Unfortunately, the world is much bigger than our small experience. There are a number of cases where that also occurs. Anyhow, I leave it to the hon. Member. I am not the judge here. Does the hon. Member want me to put amendment No. 512 to vote?

Shri C. R. Iyyunni: I am not pressing amendment No. 512. I am pressing only amendment No. 513 to clause 264.

Mr. Deputy-Speaker: Then, I shall put clause 263 to vote.

The question is:

"That clause 263 stand part of the Bill."

The motion was adopted.

Clause 263 *was added to the Bill.*

Mr. Deputy-Speaker: The question is:

Page 139—

for clause 264, *substitute*:

"264. Notwithstanding anything contained in this Act or the articles of association, a company may, in a general meeting, appoint directors according to the principle of proportional representation, whether by the single transferable vote or by a system of cumulative voting or otherwise:

Provided that a resolution to that effect, a notice of which has been given to the company before 21 days of the meeting, is passed in the general meeting by a majority of votes in person or proxy".

The motion was negatived.

Shri K. K. Basu: We want amendment No. 227 also to be put to vote.

Mr. Deputy-Speaker: Is that amendment in the name of the hon. Member, Shri K. K. Basu?

Shri K. K. Basu: No. It is in the name of Shri N. P. Nathwani.

Mr. Deputy-Speaker: Does the hon. Member, Shri N. P. Nathwani, want to press it?

Shri N. P. Nathwani: I am not pressing that amendment.

Shri K. K. Basu: We shall not give leave to withdraw that amendment.

Mr. Deputy-Speaker: Has the hon. Member, Shri N. P. Nathwani, leave of the House to withdraw his amendment No. 227?

Some Hon. Members: No.

Mr. Deputy-Speaker: Then, I shall have to put it to vote.

The question is:

Page 139—

(i) line 20—

Omit "Option to"

(ii) line 22—

for "may" *substitute* "shall".

Those in favour will say 'Aye'.

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against will say 'No'.

Some Hon. Members: No

Mr. Deputy-Speaker: The 'Noes' have it.....

Shri K. K. Basu: The 'Ayes' have it.

Mr. Deputy-Speaker: Hon. Members who are in favour may kindly stand in their seats.

Shri K. K. Basu: It is only 2-25 P.M. now. You cannot put it to vote now.

Mr Deputy-Speaker: Does the hon. Member seriously contend that just one voice will be equal to that of the rest?

Shri K. K. Basu: We are going to divide on this issue. So, let this be put off.

Mr. Deputy-Speaker: Even then, I need not call a division. It is always open to me to call or not to call a division. Anyhow, I will postpone the voting on amendment No. 227 until 2-30 P.M., as also the voting on clause 264.

Mr. Deputy-Speaker: I now come to clause 265. There is one amendment to this clause. I take it that it is not pressed.

The question is:

"That clause 265 stand part of the Bill".

The motion was adopted.

Clause 265* *was added to the Bill.*

Mr. Deputy-Speaker: The question is:

Page 140, line 37—

for "managing director" *substitute* "managing or whole-time director".

The motion was adopted.

Shri C. D. Deshmukh: There is another amendment to this clause, namely amendment No. 763 by Shri K. K. Basu.

Mr. Deputy-Speaker: The question is:

Page 140—

omit lines 45 and 46.

The motion was adopted.

Mr. Deputy-Speaker: I take it that the other amendment to this clause is not pressed.

The question is:

"That clause 266, as amended, stand part of the Bill."

The motion was adopted.

Clause 266**, *as amended, was added to the Bill.*

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*In parts (b) (i) and (ii) of sub-clause (i) of clause 261, the word "or", was added at the end as patent error under the direction of the Speaker.

**In view of the amendment to sub-clause (2) of clause 266 adopted by the House, the brackets and figure "(1)", occurring in clause 266 were omitted as patent error under the direction of the Speaker.

Mr. Deputy-Speaker: The question is:

Page 141, line 5,—

for "managing director" *substitute* "managing or whole-time director".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 267, as amended, stand part of the Bill."

The motion was adopted.

Clause 267, as amended, was added to the Bill.

Mr. Deputy-Speaker: The question is:

Page 141, line 16—

for "managing director" *substitute* "managing or whole-time director".

The motion was adopted.

Pandit Thakur Das Bhargava: I would like amendment No. 867 to be put to vote.

Mr. Deputy-Speaker: It is not in the list. However, it may be treated as moved.

The question is:

Page 141, lines 19 to 21—

for "shall not have any effect unless approved by the Central Government: and shall become void if, and in so far as, it is disapproved by that Government" *substitute*: "shall become void if it is disapproved by the Government for reasons mentioned in section 266 or section 273 relating to directors."

The motion was adopted.

Mr. Deputy-Speaker: I take it that the other amendment to this clause is not pressed.

The question is:

"That clause 268, as amended, stand part of the Bill."

The motion was adopted.

Clause 268, as amended, was added to the Bill

Mr. Deputy-Speaker: I take it that the amendment to clause 269 is not pressed. There are no amendments to clauses 270 to 272. So, I shall put all these clauses together.

The question is:

"That clauses 269 to 272 stand part of the Bill."

The motion was adopted.

Clauses 269 to 272 were added to the Bill

Mr. Deputy-Speaker: The question is:

Page 142—

after line 9 *insert*:

"272A. Prohibition of appointment of tax-evaders as directors.—(1) No person who has been found guilty by any Court of Tribunal or other competent authority of evading any tax payable by him, shall be appointed as a director of any company.

(2) Any person, on being found guilty as aforesaid shall forthwith vacate the office of a director.

(3) In the case of a person who has been found guilty as aforesaid before the commencement of this Act, the provisions of subsection (2) shall apply as if he had been found guilty as aforesaid at the date of commencement of this Act.

(4) This section shall apply notwithstanding any want of jurisdiction in the Court of Tribunal on account of any technical defect in its constitution or composition."

The motion was negatived.

Mr. Deputy-Speaker: Now, we come to clause 273.

Shri Sadhan Gupta: This is to stand over.

Mr. Deputy-Speaker: Clause 273 will stand over. We shall take up clause 274.

Shri M. S. Gurupadaswamy: I have got amendment No. 102.

Mr. Deputy-Speaker: Need I put it to vote?

Shri M. S. Gurupadaswamy: Yes.

Mr. Deputy-Speaker: The question is:

Page 143, line 5—

for "twenty companies" *substitute* "ten companies".

The motion was negatived.

Mr. Deputy-Speaker: I take it that the amendment to clause 275 is not pressed. There are no amendments to clauses 276 to 278. So, I shall put all these clauses together to vote.

The question is:

"That clauses 274 to 278 stand part of the Bill".

The motion was adopted.

Clauses 274 to 278 were added to the Bill.

Mr. Deputy Speaker: The question is:

Page 144, line 42,

for "completed" *substitute* "attained".

The motion was adopted.

Shri U. M. Trivedi: I would like my amendment No. 518 to be put to vote.

Mr. Deputy-Speaker: The question is:

Page 144, line 31—

for "sixty-five years" *substitute* "seventy years".

The motion was negatived.

Mr. Deputy-Speaker: I take it that the other amendments to this clause are not pressed.

The question is:

"That clause 279 stand part of the Bill".

The motion was adopted.

Clause 279, as amended, was added to the Bill

Mr. Deputy-Speaker: I take it that the amendments to clauses 280 to 282 are not pressed.

The question is:

"That clauses 280 to 282 stand part of the Bill".

The motion was adopted.

Clauses 280 to 282 were added to the Bill.

Mr. Deputy-Speaker: The question is:

Page 147, line 2—

after "director" *insert* "(not being a director appointed by the Central Government in pursuance of section 407)".

The motion was adopted.

Mr. Deputy-Speaker: I take it that the other amendments to clause 283 are not pressed.

The question is:

"That clause 283, as amended, stand part of the Bill".

The motion was adopted.

Clause 283, as amended, was added to the Bill.

Mr. Deputy-Speaker: There is amendment No. 232 seeking to introduce a new clause. I take it that it is not pressed.

It is now 2-30; therefore, Shri Nathwani's amendment can be put in

a full House like this. The question is:

Page 139—

(i) line 20—

omit "Option to".

(ii) line 22—

for "may" *substitute* "shall".

Those who are for the amendment will say "Aye".

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those who are against the amendment will say "No".

Some Hon. Members: "No".

Mr. Deputy-Speaker: The "Noes" have it.

Some Hon. Members: The "Ayes" have it.

Mr. Deputy-Speaker: The "Ayes" will stand up.

Shri K. K. Basu: It is a question of policy. We would request you to have the bell rung and order a division.

Mr. Deputy-Speaker: I would like to make one point clear. If I ring the bell it is only for the purpose of getting all hon. Members to the House. On that ground I am not going to divide the house, if from the voices I find that it is not necessary for me to divide the House. I am asking the bell to be rung on that special understanding. It is the duty of the whips of each Party to ensure the presence of its Party members. I am aware that some time back merely to avoid a division being called, hon Members went on sitting in the House. Therefore, it is the duty of each Member to be in the House, and the duty of the Whip of each Party to ensure the presence of its members. For that alone I am not going to act as their agent to get their members. I am quite willing to ring the bell to give them an opportunity to come. If, however, I am not able to judge from the voice, I will ask them to stand in their seats.

The bell is being rung.

Order, order, I shall put amendment No. 227 to the vote of the House.

The substance of this is that there is an option of electing directors by the principle of proportional representation by a system of cumulative voting instead of the present practice of majority. Instead of its being optional, they want to make it compulsory. That is the sum and substance of the amendment.

Shri U. M. Trivedi: May I raise a point of order? You had put it whether Shri Nathwani had the leave of the House to withdraw his amendment and that was the question before the House. Before that is decided this amendment cannot be put.

Mr. Deputy-Speaker: The hon. Member will read the rules once again. The rules say that whenever leave is opposed even by a single individual Member, the motion shall be put to the vote of the House.

The question is:

Page 139—

(i) line 20—

omit "Option to "

(ii) line 22—

for "may" *substitute* "shall".

The Lok Sabha divided: Ayes 16; *Noes* 107.

AYES

Division No. 3 [2-38 P.M.

Amjad Ali, Shri
Basu, Shri K. K.
Chatterjee, Shri Tushar
Chowdary, Shri C.R.
Chowdhury, Shri N. B.
Gopalan, Shri A. K.
Gupta, Shri Sadhan
Gurupadaswamy, Shri M. S.
Mehta, Shri Asoka
More, Shri S.S.
Mukerjee, Shri H. N.
Randaman Singh, Shri
Rao, Dr, Rama
Rao, Shri P. Subba
Shastri, Shri R. R.
Veeraswamy Shri

[Mr. Deputy-Speaker]

NOES

Abdus Sattar, Shri
Agarwal, Shri H. L.
Altekar, Shri
Azad, Shri Bhagwat Jha
Balasubramaniam, Shri
Banerjee, Shri
Bansal, Shri
Barman, Shri
Bhagat, Shri B. R.
Bhargava, Pandit Thakur Dass
Bhatt, Shri C.
Bheekha Bhai, Shri
Bidari, Shri
Birbal Singh, Shri
Bogawat Shri
Brajeshwar Prasad, Shri
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chaturvedi, Shri
Chavda, Shri
Chettiar, Shri T. S. A.
Das, Dr. M. M.
Das, Shri B. K.
Das, Shri K. K.
Das, Shri N. T.
Das Shri Ram Dhani
Datar, Shri
Deshmukh, Shri C. D.
Deshpande, Shri G. H.
Gholakia, Shri
Dhusiya, Shri
Digambar Singh, Shri
Dube, Shri Mulchand
Dube, Shri U. S.
Dubey, Shri R. G.
Dwivedi, Shri M. L.
Eacharan, Shri I.
Gadgil, Shri
Gopi Ram, Shri
Gounder, Shri K. P.
Hem Raj, Shri
Hembrom, Shri
Hyder Hussein, Ch.
Iyyunni, Shri C. R.
Jatav-vir, Dr.
Jayashri, Shrimati
Jhunjhunwala, Shri
Jogeswar Singh, Shri L.
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri M. D.
Joshi, Shri N. L.
Jwala Prashad, Shri
Kasliwal, Shri
Katham, Shri
Khedkar, Shri G. B.
Krishna Chandra, Shri
Kureel, Shri P. L.
Lotan Ram, Shri
Malliah, Shri U. S.
Malviya, Pandit C. N.
Mehta, Shri Balwant Sinha
Mehta, Shri J. R.
Mishra, Shri L. N.
More, Shri K. L.
Muhammed Shaffee, Ch.
Muthukrishnan, Shri
Nair, Shri C. K.
Nehru, Shrimati Uma
Nevatia, Shri
Pande, Shri C. D.
Pannalal, Shri
Parikh, Shri S. G.
Pataskar, Shri
Patel, Shri Rajeshwar
Prabhakar, Shri Naval
Radha Raman, Shri
Ram Shankar Lal, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S. V.
Rane, Shri
Reddy, Shri Janardhan
Sahu, Shri Rameshwar
Sarmah, Shri Debeswar
Sewal, Shri A. R.
Shah, Shri Raichandbhai
Sharma, Shri D. C.
Siddananjappa, Shri
Singh, Shri D. N.
Singh, Shri H. P.
Singhal, Shri T. N.
Singhal, Shri S. C.
Sinha, Shri S.
Snatak, Shri
Somani, Shri G. D.
Sunder Lall, Shri
Suriya Prashad, Shri
Telkikar, Shri
Tewari, Sardar R. B. S.
Thimmaiah, Shri
Trivedi, Shri U. M.
Tulsidas, Shri
Uikey, Shri
Upadhyay Shri Shiva Dayal
Vaishnav, Shri H. G.
Varma, Shri B. R.
Varma, Shri Manikya Lal

The motion was negatived.

Shri K. K. Basu: Abstentions should be recorded.

Mr. Deputy-Speaker: The hon. Member finds that having been defeated, there should be some other procedure. It is not the practice here.

The other amendments to clause 264 are not pressed.

The question is:

"That clause 264 stand part of the Bill".

The motion was adopted.

Clause 264 was added to the Bill.

Mr. Deputy-Speaker: Now except clause 273, which has been allowed to stand over, all the clauses in this group have been passed.

Now, before we take up non-official business, let me say this. A suggestion was made that regarding the other group of clauses relating to managing agents etc., about 11 hours or so have been allotted, and it may be necessary to divide them into groups. Is it necessary to divide them into two or more groups? One group, as suggested by the Finance Minister, may be relating to the managing agents, and the other may be about secretaries and treasurers and so on. Hon. Members will kindly consider this suggestion.

Shri M. C. Shah: From clauses 234 to 322, and thereafter 323 to 377.

Mr. Deputy-Speaker: Tomorrow we have 3½ hours upto 3-30 P.M.

Shri M. C. Shah: Thereafter, we will have 1½ hours.

Mr. Deputy-Speaker: The matter will come up whether today or tomorrow. Hon. Members will kindly consider and see whether those clauses can be split up into convenient groups—two or three—and inform the House tomorrow.

PUNISHMENT FOR ADULTERATION OF FOODSTUFFS BILL

Shri Jhunjhunwala (Bhagalpur Central): I beg to move for leave to withdraw the Bill to provide for punishment of those found guilty of adulteration of foodstuffs, in view of the fact that a Bill has already been brought before the House and passed.

Mr. Deputy-Speaker: The question is:

> "That leave be granted to withdraw the Bill to provide for punishment of those found guilty of adulteration of foodstuffs".

The motion was adopted.

MOTOR TRANSPORT LABOUR BILL

Shri A. K. Gopalan: (Cannanore): I beg to move for leave to introduce a Bill to regulate the conditions of motor transport workers.

Mr. Deputy-Speaker: The question is:

> "That leave be granted to introduce a Bill to regulate the conditions of motor transport workers".

The motion was adopted.

Shri A. K. Gopalan: I introduce the Bill.

PREVENTION OF JUVENILE VAGRANCY AND BEGGING BILL

Mr. Deputy-Speaker: The House will now resume further consideration of the following motion moved by Shri M. L. Dwivedi on the 19th August 1955:

> "That the Bill to make provision for the prevention of juvenile vagrancy and begging, be taken into consideration".

Out of 1½ hours allotted for the discussion of the Bill, 31 minutes were taken on the 19th August, leaving a balance of 59 minutes for its further consideration. Dr. Rama Rao may now continue his speech

We have started about quarter to three and we go up to quarter to four. The hon. Member in charge of the Bill would like to have 15 minutes for his reply. Then, we have three-quarters of an hour. Hon. Members would kindly have an idea of the time and restrict their speeches.

Dr. Rama Rao (Kakinada): On the last occasion I was referring to the responsibility of the State with regard to children, particularly orphans. Unfortunately, in spite of the socialistic pattern being our idea, we are neglecting our children to a very great extent which is shown by the fact that with the exception of one or two States, none of the States have a state-owned or state-managed orphanage institutions which are government aided. I was referring to the fact that the care of orphans in particular and children in general as the first responsibility of the State—almost a first charge on the State. Unfortunately, in spite of our sympathy for children we are doing very little for the care of orphans. Something is being done for juvenile offenders; something is being done for the handicapped, the dumb and other children—all this ought to be done—something is being done even for wild life and as long as children do not become wild it looks as though we do not care for them. So, I appeal to the Government to start orphanages of their own in areas where there is central responsi-

[Dr. Rama Rao]

bility and to give directions to the States to start at least one orphanage in every State this year.

Coming to the Bill itself, it seems as if Shri Dwivedi wants to close his eyes to the problem. He sees only the symptoms and not the cause of the disease. He reminds me of Siddharta. Whenever he went the King had ruled that there should be no begger on the street, there should be no old man on the street, no dead body should be carried through the streets and all that. It is just closing your eyes. The problem of poverty and unemployment and the indifference of the State towards the care of the children in general and orphans in particular is responsible for this.

I cannot support this Bill because it is very vague, very indefinite. As far as it places the problem before Parliament, it is welcome. 'Vagrancy' is defined as remaining idle. What do you expect of these children who have no schooling, no occupational training, no care except to be idle? If they remain idle I should be satisfied. Remaining idle is made an offence by Shri Dwivedi. Asking for charity is an offence.

Coming to clause 3, if a person below the age of eighteen either of whose parents or any guardian, or any other person giving protection to such a person is alive, is found to be wandering about or begging on trains, in public places, say the Connaught Circus, then his parents or guardian or protector will be imprisoned. Of course, the intention is good; but, I think, the words are much beyond the intention.

A very small group of families are there in which the parents or guardians utilise the children for begging and that is an undesirable situation. Such parents and guardians should come under Shri Dwivedi's Bill. The Bill itself is very vague and I think he will withdraw it at the end. I am glad that he has anyhow brought this problem before this House. Care of children and particularly orphans is necessary and I hope the Deputy Home Minister would pass on this request to every State to start at least one orphanage this year. I cannot support this Bill.

Shrimati Jayashri (Bombay—Suburban): I rise to support the principle underlying this Bill, though I must say that it is a very defective Bill. In view of the fact that we have got the Children's Bill before the House, which is a more comprehensive one, I would request the hon. Member to withdraw this Bill.

I would draw the attention of the House to clause 4 which says:

> "Any person who commits offence under section 3 shall be punishable with rigorous imprisonment....."

When we talk of children, I am surprised that the hon. Member should suggest this remedy. I would like to suggest that children should not be considered as offenders but only as persons towards whom the society has offended. We all know that in big cities where there is overcrowding this problem of beggary and juvenile vagrancy is there to a large extent. I would read out a small passage from the report of the meeting of the United Nations in Geneva, about crime among children. They say:

> "The first World Congress on the prevention of crime and treatment of offenders may not find it easy to suggest remedies as crime appears to be a by-product of civilisation. At least, that seems to be true where juvenile delinquency is concerned."

This is a sad thing. We talk of social welfare State and, I think, we should give priority to this human problem. At present, we give more importance to economic activities but this problem is a necessary corollary to economic development and it must have a higher priority in a national

plan. We all know that due to poverty, due to ignorance and due to lack of opportunities the beggar problem arises. We have to suggest remedies for this instead of suggesting punishment of the poor children who are sinned against by the society.

I would like to draw the attention of the House to a few methods by which we can deal with this problem. First, we have to have proper legislation by which we can find out the homes and people who are exploiting the children. You are aware that in big cities like Bombay there is actually professional beggary in which sometimes the children are maimed and crippled and then they are made to beg, so that people feel pity for the children and give alms to them. So, we must have a legislation to stop this sort of begging and also provide proper homes for children. At present, we have also in a Private Member's Bill, suggested the licensing of children's homes and women's homes As you are aware, there is lot of traffic in children and women and there are bogus homes which, instead of taking care of the children, are exploiting them. The most important remedy that I would suggest is to pass a legislation in order to register children's homes and to do away with the problem of bogus homes.

3 P.M.

Another remedy is having a sort of legislation and I have already moved one relating to adoption of children. In other countries like U.K. and United States there are adoption laws by which orphaned children are taken care of by foster parents. Instead of having to open homes there are many families who are willing to take care of children, but we must also safeguard the rights of the children as well as the rights of the foster parents. For this I have moved one Bill. We have adoption laws amongst Hindus, but I would request that the House should consider this in view of the problem of children of all communities. At present children are adopted for the sake of performing spiritual rites and daughters are not adopted according to the Hindu Law Therefore, I would request that if we have a proper adoption law, these children can be taken care of by foster parents.

The third thing I would suggest is about the surveying of children's problems. I am sorry to say that our last census report does not say anything about the children as to how many are delinquent, how many orphans and so on; it does not say anything about their sex. I would request the hon. Minister that in our next census we should take care to see that all these things are mentioned so that we can easily find out their problems in our society.

The last thing is about agencies for welfare work. As I said I would suggest the foster parents and institutions also. We must have proper institutions to look after children. Without these homes and without proper care taken of children, I am afraid that this measure will not serve any purpose. That is the reason why I would request the hon. Member to withdraw his Bill and allow some measure like the Children's Bill, which is before the House and which is more comprehensive, to be passed into law with his support

श्रीमती शिवराजवती नेहरू (जिला लखनऊ—मध्य) : यह तो बिल्कुल सच्ची बात है कि जो हमारे देश के बच्चे हैं वे देश का धन हैं और उनकी जितनी देखभाल की जाय वह बहुत वाजिब है ।

[PANDIT THAKUR DAS BHARGAVA in the Chair]

जब यह जड मजबूत होगी तभी हमारी यह संतान बढ़कर और बड़ा पेड़ बन कर हमारी सेवा करेगी और देश को सुख और शान्ति देने योग्य बन सकेगी ।

लेकिन जैसा कि अभी हमारी बहिन जी ने कहा है, इस सम्बन्ध में सरकार पहले से ही बहुत कुछ कर रही है और वह इस सम्बन्ध में

(श्रीमती शिवरावती नेहरू)

पूर्ण रूप से जागृत हैं। आज लड़कों की अच्छी तरह से देखभाल करने के लिए, उनकी आदतों को सुधारने के लिए और उनमें योग्यता पैदा करने के लिए तथा उनमें से बुरी आदतें निकालने के लिए चिल्ड्रन्स होम बनाये जा रहे हैं, लाइब्रेरियां और स्कूल खोले जा रहे हैं और उनके लिए हर तरह का प्रबन्ध किया जा रहा है। जो बिल हमारे माननीय सदस्य लाये हैं इसमें सरकार द्वारा जितनी सहायता दी जाय वह ठीक है, लेकिन यह काम अधिकतर सोशल वर्कर्स के करने का है। आज आवश्यकता इस बात की है कि सोशल वर्कर्स देश में अनाथालय बनायें, बालकों के लिए बैगर्स होम बनायें और जब उनका उचित प्रबन्ध होगा तो सरकार भी उनको सहायता दे सकती है। सरकार यह सारा कार्य अपने हाथ में नहीं ले सकती। इसमें जनता को सहयोग देना चाहिए ताकि बैगरी को दूर किया जा सके। इसका बहुत कुछ कारण हमारे देश की गरीबी भी है। इसके लिए हमारे देश के धनी लोगों को सहायता करनी चाहिए और ऐसे चिल्ड्रन्स होम्स बनाने चाहिए जहां पर उन लड़कों का पालन पोषण किया जाय जो कि अनाथ हैं और जिनका पालन पोषण करने वाला कोई नहीं है। अगर जनता इस कार्य को करेगी तो सरकार भी उसमें सहायता देगी और इससे हमारे बच्चों को भी लाभ होगा और सरकार के कार्य का बोझ भी हलका हो जायगा।

चिल्ड्रन्स के लिए एक चाइल्ड वैल्फेयर बोर्ड भी बना है और उसका काम गांव गांव में हो रहा है। उसकी ओर से भी इस काम में बहुत सहायता मिल सकती है।

इन चन्द शब्दों के साथ मैं यह कहना चाहती हूं कि सरकार के ऊपर यह बोझा न डालकर माननीय सदस्य अपने इस बिल को वापस ले लें और इस कार्य को करने के लिए सोशल वर्कर्स के साथ मिल कर काम करें और फिर इसके लिए सरकार से भी सहायता लेने का प्रबन्ध करें।

Shrimati Sushama Sen (Bhagalpur—South): I do not want to take much time of the House. I support the principle of the Bill because children are not being given proper consideration and protection. I had moved a Private Member's Bill called the Children's Protection Bill, but I do not know how it has been shelved for so many months and why it has not come up yet.

Shri K. K. Basu: That is the fate of all good Bills.

Shrimati Sushama Sen: Children should be taken care of so that they are not led to this sort of begging life which we find in the streets and on the platforms. In fact, children's homes are very necessary and for this purpose we had thought that the Central Social Welfare Board would come forward and help in the formation of more children's homes. In fact, some applications have been put forward before the Central Social Welfare Board, but I do not know why the grants are never given. For this reason, I support the principle of the Bill, but at the same time I would request the Minister in charge to look after these children so that they are properly brought up and not addicted to begging and going about without home and proper protection.

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The measure which is before the House now is intended to serve a very laudable purpose. I am highly thankful to my hon. friend, Shri Dwivedi, the Mover of the Bill, for attracting the attention of the Government about the urgency and need of a measure like this. In the Objects and Reasons of the Bill we find that the Bill has been calculated to abolish juvenile vagrancy and begging in this country So far as the principle of the Bill is concerned, I have got every sympathy, support and goodwill for my hon. friend, Shri Dwivedi.

But, with all my respect to my hon. friend, I must submit that the provisions of this Bill are so inadequate and ineffective that the Bill will not serve the purpose for which it is intended. The scope of the Bill is

very limited. The Bill wants to abolish juvenile vagrancy from this country It does not deal with the question of vagrancy in its entirety; neither does the Bill propose to deal with the question of juvenile delinquency in this country in its entirety. These two problems have today assumed enormous proportions and the Governments in the Centre and the States are trying to grapple with these problems. But the present Bill touches only the fringe of these problems. The measure wants to abolish juvenile vagrancy. If any boy or girl is found begging in some public places he or she will be taken charge by the police. Not only the boy or the girl but also their parents will be punished. This is the provision in the Bill. There is no provision for a children's home. for probation officers and for after-care organisations where they could be imparted education and training whereby they could be converted into useful members of society. I therefore say that this Bill miserably fails even in achieving the limited purpose for which it is intended.

A reference has been made to a Bill that has been pending before this House—the Children's Bill. This Bill was introduced by the Minister of Education in the Rajya Sabha and it has been passed by the Rajya Sabha; it is now pending before this House.

Shrimati Sushama Sen: It is only for Part C States and not for all States.

Dr. M. M. Das: To satisfy the hon. lady Member I have to discuss the constitutional position of the Children's Bill. The question of delinquent children is not in the Union List; it is in item 4 of List II that is State List, if I remember right. That being so this Legislature has no constitutional authority to pass any legislation upon delinquent children or vagrant children so far as Part A and B States are concerned. So the Children's Bill now before this House is meant to serve only two purposes, namely to serve as a model Act to the States which have not framed such a Bill and to be applicable to Part C States. Many States in the country have already passed such a Bill and are trying to implement them according to their financial capacities. All of them are much more comprehensive than the present Bill. Madras was the first to pass the Madras Children's Act in the year 1920. Bombay, Madhya Pradesh, West Bengal, Hyderabad, Madhya Bharat, Mysore, Travancore-Cochin have also passed legislation. The Bombay Act has also been extended to Ajmer and Delhi. After the Children's Bill pending before this House is passed by this House, it will be applicable to all Part C States. We hope the remaining States will also pass similar Acts. I think my time is up.

The Bill has been brought on the strength of item 15 of the Concurrent List which includes vagrancy along with other items.....

Shri M. L. Dwivedi (Hamirpur Distt.): May I ask a question? The Constitution has provided that all persons shall be given equal opportunity. But my friend says that legislation cannot be made. I agree with him that the Centre has got to depend upon the States to enforce this but the Centre should see that suitable legislation is enacted in their respective legislatures in this country because all children and all persons should get equal rights and duties. Even in the UNO's book, it is mentioned here that children deprived of normal home life should have the same rights as other children in the matter of food, shelter, health, education, recreation, social service. It is in the Universal Declaration of Human Rights and in the United Nations Declaration of the Rights of the Children.

Mr. Chairman: The hon. Member has not put any question. He is reading out from something. If the hon. Member takes so much time in questioning, it will have to be deducted from his time of reply. Time is very short and he has also got a right to reply if he so desires. I think he

[Mr. Chairman]

has already started replying by putting questions.

Dr. M. M. Das: I may remind him that the implementation of the provisions made in the Constitution does not rest upon this Legislature alone. Most probably in article 12, State means both the Union and the State Governments.

Coming to the question of vagrancy, it is in item 15 of the Concurrent List. The Union Parliament is quite competent to make any legislation. But it must be admitted on all hands that nothing effective can be done without the active participation of the State Governments. The Central Government have got no machinery at their disposal that it can depute to this work nor can the Central Government set it up without unnecessarily incurring heavy expenditure. Moreover, States like West Bengal and U.P. have already taken up this question. A Vagrancy Act has already been passed in West Bengal. In the month of May a few hundreds of beggars were taken charge of by the police and sent to Vagrant Homes, where training is given to them to make them useful citizens. So far as U.P. is concerned, the other day I read in the newspaper a report that Shri Acharya Jugal Kishore, Uttar Pradesh Minister for Social Welfare has said at Allahabad that the State Government proposed shortly to enact a law penalising beggary. The idea was to put up beggars in 'beggar homes'. Homes would be opened at places where such homes did not exist, he said. The Minister was replying to an address of welcome presented at the Navin Sevashram, a beggars' home at Allahabad. He appealed to the people, the report says, to extend their full support in liquidating beggary. The U.P. State which is the home State of the hon. Mover of this Bill, it will be seen, has already taken steps and within a short time they will pass a Bill providing for beggary, vagrancy, etc. So, my appeal to him would be to withdraw this Bill.

So far as delinquent children are concerned, this Legislature has no constitutional authority to pass any Bill which will be applicable to Part A and B States and so far as Part C States are concerned I ask my hon. friend to be a little more patient so that the Children's Bill may be passed by this House.

Mr. Chairman: I am afraid I will not be able to accommodate all the hon. Members who are standing. Ten minutes will be taken up by the hon. Deputy Minister for Home Affairs and then the hon. Mover of the Bill will be called to reply. By the time you will finish it will be 3-45 p.m. So, I am sorry I cannot call on any hon. Member to speak.

The Deputy Minister of Home Affairs (Shri Datar): While it is possible to sympathise with the good intentions of the Bill I should like to point out to my hon. friend that there are a number of difficulties in the way of the acceptance of this Bill by the Central Government. There are also certain other difficulties so far as the provisions of this Bill are concerned.

My hon. friend Dr. M. M. Das raised the constitutional question. I should like to clarify the position here so far as begging and vagrancy are concerned. Vagrancy, you will find, is included in article 15 of the Concurrent List. In respect of subjects enumerated in the Concurrent List though it is open to the States as well as to the Central Government to legislate, naturally, it would be found that a practice has been developed by the Central Government that no legislation covering the subjects mentioned in the Concurrent List will be undertaken by the Central Government unless it has a very large measure of support from the State Governments. That, you will find, is essential because, ultimately all such Acts have to be administered and the provisions implemented by the various State Governments.

Now, so far as begging is concerned, it is entirely a State subject and

all provisions either of a penal nature or welfare nature have naturally to be dealt with by the State legislatures. In this connection I would point out to my hon. friend that, so far as part A States are concerned, almost all the part A States except Assam and Orissa have got legislations in this respect. Andhra, Bihar, Bombay and Madras have got social legislation and Madhya Pradesh has dealt with the penal aspect of such legislation under the District Police Act. We have also certain municipal Acts in Punjab and Uttar Pradesh. In respect of part B States also, Hyderabad, Mysore and Travancore-Cochin have got social legislations about beggary and vagrancy; in PEPSU we have got a municipal Act and in Saurashtra we have got a District Police Act dealing with the penal aspect of vagrancy and beggary. In respect of part C States, Bhopal, Kutch, Delhi and Pondicherry have got certain social legislations or pieces of penal legislation.

Shrimati Sushama Sen: May I ask: are these Acts being implemented? If they are being implemented, why do we see so many children going about begging? Why can't the Central Government do something to help in this matter?

Shri Datar: That is exactly what I am pointing out. So far as the Central Government is concerned, we are not in a position to pass any legislation so far as beggary is concerned. So far as vagrancy is concerned, the Central Government can pass a legislation with the consent of the various State Governments. That is the reason why when one private Member of this House or the other House had brought a legislation.....

Shri Veeraswamy (Mayuram—Reserved—Sch. Castes): Why not the Central Government advise the States to abolish beggary and rehabilitate the beggars?

Shri Datar: So far as the advisory part is concerned I shall deal with it.

When a Children's Bill had been brought forward by an hon. Member of this House or the other House, the whole question was considered and the Education Ministry ultimately confined the provisions of the Children's Bill only to part C States; because, over part C States the Parliament has supreme authority—even in cases where there are popular governments.

So far as beggary is concerned, this Bill purports only to deal with juvenile beggary. In this respect we have certain legislation in the State Governments and I would assure the hon. Member and this House that the substance of the points raised in this House—because we had a very fruitful discussion and very good suggestions have been made—will be brought to the notice of the State Governments and they will be requested to undertake legislation in respect of beggary so far as both the aspects of this question—penal aspect as also welfare aspect—are concerned.

So far as vagrancy is concerned, you will find that the hon. Member has dealt with it in either a very vague way or in a very wide way. Take for example the definition of the expression 'vagrancy'. It is said:

> "Vagrancy shall include wandering, remaining idle or disorderly".

Thus you will find that all these three provisions are not joint provisions; they are disjointed provisions so that, if, for example, a man is wandering then that man will be caught hold of and put into the jail.

Shri M. L. Dwivedi: This is meant for juveniles only.

Shri Datar: In the case of juveniles also; suppose a boy is wandering—we have to take into account the plain meaning and especially in respect of penal provisions we have to be extremely careful, otherwise innocent people are likely to be harassed —he will be caught and put in jail.

Then we come to "remaining idle". You will find that in a poor country

[Shri Datar]

like India where there is so much unemployment, "remaining idle" is a term which would apply even to most of us—sometimes we are idle in the course of the day.

Mr. Chairman: It may apply in a greater degree to the hon. Home Minister in the sense that he is guilty of not providing employment to all the people in the country.

Shri Gidwani (Thana): What about the Members who are sitting in the Central Hall?

Shri Datar: Sometimes in the interest of health it is better to be idle for sometime because thereby you would relax.

Mr. Chairman: Supposing a person is arrested for remaining idle because he has no employment then the hon. Home Minister will be found guilty of abetment of unemployment.

Shri Datar: So, you will find that the only word the hon. Member has used very correctly is "disorderly". So far as "disorderly wandering" is concerned, when it becomes a law and order problem certain action has to be taken and in most of the State Police Acts we have a provision.

Then, Sir, in addition to this he also includes the parents. There is what we call "vicarious punishments" so far as parents or even persons who give only temporary shelter are concerned. For that purpose I cannot resist reading some portion from this Bill:

> "If a person below the age of eighteen either of whose parents or any guardian, or any other person giving protection....."

With the best of intentions or with sympathy or human feeling suppose I give protection and suppose the man escapes from my protection and wanders in the streets, within the meaning of the expression that the hon. Member has used, I shall have to be punished for the fault or sin of protecting him.

Shri Algu Rai Shastri (Azamgarh Distt.—East *cum* Ballia Distt.—West): You need not fear the police is not so active.

Shri M. L. Dwivedi: While protecting you should not let loose children for stealing or begging or wandering about. Then you are guilty, otherwise not.

Shri Datar: All these things have to be inferred.

Shri M. L. Dwivedi: You read the whole Bill and then you will find.

Shri Datar: I have read the whole Bill about ten times, my hon. friend will kindly see; because I am very particular that before we place such a penal law on the statute-book we have to be extremely careful and we have only to give powers in a proper case where the wording is absolutely fool-proof. We cannot allow magistrates or courts to take action in respect of some wandering, in respect of some remaining idle or in respect of some disorderly behaviour. Suppose, for example, this Bill is accepted and suppose it becomes a penal measures, then the punishment that is to be awarded is three months and some fine. What will happen if these children are sent to the prisons. Now, the atmosphere in the prisons, so far as children are concerned, is far from satisfactory. In fact, it would encourage further progress towards criminal tendencies and, if, for example.....

Shri M. L. Dwivedi: If the prisons are not places where children could improve, whose fault is it? Is it the fault of the people or the Government?

Shri Datar: Unless we have got a sufficiently large number of children's homes as visualised in the Children's Acts, it is very difficult to take all this into account. So far as beggary is concerned, the beggars in India are not so large as is generally supposed. On 15th March, 1955, an hon. Member of this House asked a ques-

tion and then I gave figures so far as the beggars are concerned. Now, the population has decreased. Formerly, the population of beggars was 2½ millions. That was between the years 1931 and 1941. Now, under the 1951 census, the population has come down to half a million and it would be of interest to know.....

Shri M. L. Dwivedi: The report showing the population as 2½ millions was published only in 1954. Either this is incorrect or what the other report says is incorrect.

Shri Datar: Will you kindly hear me and not interrupt me? Why are you in a hurry ? I am explaining the whole position. So far as the figure for self-supporting beggars is concerned,—incidentally, they have evolved a new theory in beggary and there is such a thing as self-supporting beggars—the figure under the 1951 census was 4,87,000.

Shri M. L. Dwivedi: Wherefrom have you taken these figures?

Shri Datar: Will you kindly wait? Why are you in a hurry? If there are four persons, say, who depend upon one man, it is likely that this figure may be three times as much. If vagrants are also be taken into account, then it would come to about 50 lakhs. If only self-supporting vagrants are taken into account, they are about 5 lakhs. These are the figures in respect of beggars and vagrants. Government have to do whatever is possible, because, as I said.....

श्री एम० एल० द्विवेदी : मैं माननीय मंत्री जी से पूछना चाहता हूं कि यह जो आंकड़े दिये गये हैं वह उन्होंने कहां से लिये हैं ?

Mr. Chairman: He should not interrupt. The hon. Member has also got the right of reply.

Shri Datar: My hon. friend is so impatient. I have placed these figures in the form of an answer to question No. 1003 on the Table of the House, and a statement showing the statistics of beggars and vagrant population in India State-wise, as per census of 1951, is placed on the Table of the House. These are the figures which have been taken from the 1951 census. Now, there is no need to dispute these figures at all, because they have been taken only from the census figures. What I want to point out is this. The question of beggary has to be solved, but ultimately it has to be solved by the State Governments.

So far as the Bill that has been passed in the other House, namely, the Children's Bill which was piloted by the Education Minister, is concerned.....

Dr. Rama Rao: Can the Deputy Minister give at least a rough estimate of the number of orphans?

Shri Datar: I am sorry I cannot give it. We are dealing with vagrants and not with orphans. There might be certain persons belonging to some families, good families, also, who would have parents or guardians, but still they would take to the life of vagrancy, but I have not got those figures.

Shri U. M. Trivedi: (Chittor): May I just put a question to the Deputy Minister? Will it be possible for him to give the figures of vagrants between the ages of 12 and 18, because, you cannot sentence a person who is below the age of 12.

Shri Datar: No, Sir: it is very difficult to supply the figures. I want to point out to the hon. Member that the statement that was placed on the Table of the House is in respect of vagrants. So far as the juvenile vagrants are concerned, the figure is likely to be roughly one-third of the total. I am putting it very broadly and roughly. Therefore, the problem is not so bad as it appears. Let us assume that it is bad, because, after all....

Shri Algu Rai Shastri: It is very bad. Really, it is very bad and very sorrowful.

Shri Datar: If children are spoiled, then the future generation is spoiled. I would assure the hon. Member that the substance of this very fruitful discussion will be brought to the notice of all the State Governments and they would be requested either to legislate or to amend their legislation, as the case may be, so as to make the Children's Acts positive as also penal where penal law is necessary.

In the Children's Bill, they dealt with juvenile delinquents, and so far as the penal provision is concerned, it has already been dealt with in the Children's Bill which was passed in the other House on the 7th May, 1954. It is now pending consideration before this House. In the light of this discussion, I would request the hon. Member not to press this particular Bill, because Government are fully aware of their obligations so far as vagrancy and beggary are concerned, and all this would be brought to the notice of the various State Governments.

श्री एम० एल० द्विवेदी : अभी माननीय मंत्री जी ने यह बतलाया कि आवारा बच्चों की, भीख मांगने वाले बच्चों की जो समस्या है वह इतनी खराब नहीं है जितनी कि लोग समझते हैं । जहां तक मैंने अध्ययन किया है और इस समस्या के बारे में मैंने मरदम शुमारी के दो प्रतिवेदनों को देखा है, दो रिपोर्टों को देखा है उसके अनुसार मैं यह कह सकता हूं कि यह एक बहुत गम्भीर समस्या है । सन् १९३१ की गणना के मुताबिक हमारे देश में २० लाख के करीब भीख मांगने वाले थे । उसके बाद अब सन् १९५१ में इन भीख मांगने वालों की संख्या और आवारा फिरने वालों की संख्या बहुत बढ़ गई है । जिस प्रकार से हमारी आबादी बढ़ रही है, जिस प्रकार से बेकारी बढ़ती जा रही है उसी प्रकार से भीख मांगने वालों की संख्या भी बहुत बढ़ती जा रही है । इस प्रकार यह कह देना कि साहब यह समस्या इतनी विकट नहीं है, इतनी खराब नहीं है, ठीक बात नहीं है । मेरा कहना यह है कि मंत्री महोदय ने अच्छी तरह से अध्ययन नहीं किया है । अगर इस समस्या के बारे में मरदम शुमारी के कागजात से और स्टेट गवर्नमेंट्स से वह पूरी पूरी जानकारी मांगें तो उन को यह पता चलेगा कि यह समस्या अधिक विकराल होती चली जा रही है । मैंने इस सदन का बच्चों की तरफ खास ध्यान दिलाया है । ऐसे बच्चों की संख्या दिन-प्रति-दिन बढ़ती चली जा रही है । ऐसे बच्चों को दुरुस्त करना आसान काम नहीं है । लेकिन जो बुनियाद है हमारी सभ्यता की और जिन्हें भावी नागरिक बनना है अगर उनकी तरफ कोई ध्यान नहीं दिया गया तो जो दशा हमारे देश की हो सकती है उसका अंदाजा आप खुद लगा सकते हैं । अभी आप ने देखा कि मानसिंह डाकू को पकड़ने के लिए लाखों रुपया खर्चा करना पड़ा और इस काम में कितनी परेशानी उठानी पड़ी । यह डाकू कहां से आते हैं, कहां से यह लोग पैदा होते हैं । दूबे सिंह डाकू कहां से पैदा हुआ । बड़े होकर यही लोग डाके डालने लगते हैं.....

एक माननीय सदस्य : मानसिंह तो एक जमींदार था ।

श्री एम० एल० द्विवेदी : यही बच्चे जो आवारा फिरते हैं, भीख मांगते हैं बाद में जा कर खराब हो जाते हैं और चोरियां और डाके डालने लगते हैं । मैंने बहुत से बालदंन को देखा है, जब वे लोग अपने बच्चों का पालन पोषण नहीं कर सकते, उन को खिला-पिला नहीं सकते, उन को अपनी इस गरीबी के कारण भीख मांगने के लिए छोड़ देते हैं । इसी तरह से उन बच्चों के संरक्षक जिन के कि माता पिता मर जाते हैं, उन की जायदाद उन के चाचा या दूसरे संरक्षक खुद हज्म कर जाते हैं और उन बच्चों को आवारा गर्दी करने के लिए छोड़ देते हैं । इसका नतीजा यह होता है कि तमाम खराबियां पैदा हो जाती हैं । इसी चीज को देखते हुए मैंने पीनल क्लाज रखी है उन बालदंन के लिए या उनके संरक्षकों के लिए जिन के संरक्षण में वे बच्चे हैं या जिन के खुद के बच्चे हैं, वह बर्बाद हो जाए, आवारा हो जाए, इस को रोकने का यही एक तरीका है ।

मेरा कहना यह है कि यही एक बिल नहीं है जो कि मैं ने रखा है। मैं ने इस किस्म के बहुत से बिल रखे हैं और यह उनमें से एक है। मैं ने एक अनाथालय बिल रखा था और आवारा गर्दी का बिल भी मैं ने ही रखा है। यह एक श्रृंखला थी इन विधेयकों की जिस के द्वारा मैं सरकार द्वारा इन बच्चों की समस्या को हल करवाना चाहता था। जब मैं ने अनाथालय बिल इस सदन में रखा था उस वक्त मंत्री महोदय ने मुझे आश्वासन दिया था कि शीघ्र ही एक बिल आएगा जिस में बच्चों की तमाम समस्याओं को हल करने का प्रयत्न किया जाएगा और उसको जल्दी अमल में भी लाया जाएगा। यह सन् १९५२ की बात है। आज इस चीज़ को चार वर्ष हो गए हैं। वह बिल राज्य सभा में पास तो हो गया है, वह बात ठीक है लेकिन मैं कहता हूं कि उस बिल में बहुत सी खामियां हैं, बहुत सी कमियां हैं। वह बिल पब्लिक ओपिनियन जानने के लिए प्रचारित नहीं किया गया है, उस बिल के बारे में जो बड़े बड़े बच्चों के विशेषज्ञ हैं उन की राय जानने के लिए उस बिल को उनके पास नहीं भेजा गया है.....

Dr. M. M. Das: It is wrong to think that the opinions of experts are not taken. It is wrong, and it has absolutely no foundation.

श्री एम० एल० द्विवेदी : लेकिन जहां तक मैं ने देखा है उसमें मुझे बहुत सी कमियां मालूम पड़ी हैं और मैं ने पिछली बार भी रिपोर्टों के आधार पर यह बताया था और वह रिपोर्ट अब भी मेरे पास मौजूद हैं और मैं उन में से पढ़कर भी सुना सकता हूं कि यह कितनी गम्भीर समस्या है।

श्री अलगू राय शास्त्री : जरूर सुनाइये।

श्री एम० एल० द्विवेदी : यह जो किताब यू० एन० की तरफ से निकाली गई है, 'Children deprived of normal life' इस के आखिर में लिखा है :

"When the children's parents are unable to exercise the guardianship, the legal guardianship should be provided by Government. It is important that every Government should recognise its responsibilities for children deprived of normal home life. Such responsibilities should be made effective through appropriate legislation and adequate machinery to implement the legislation, including provision for licences, etc., and the non-Government organisations concerned with the care for these children. There is urgent need for development and improvement of the need of children deprived of normal home life. Government should give consideration to their own basic social service to meet the needs of such children and are reminded of the existing United Nations facilities for technical assistance to promote and develop these services."

Dr. Suresh Chandra (Aurangabad): It is for the children of the developed countries and not for those of undeveloped countries.

श्री एम० एल० द्विवेदी : मैं इस प्रकार की बहुत सी चीजें आपको पढ़कर सुना सकता हूं। यह जो मैं ने अभी पढ़कर सुनाया है यह यू० एन० ने अपनी हाल की किताब में ही लिखा है, यह कोई बहुत पुरानी बात नहीं है। बच्चों की भलाई के मुताल्लिक जो बिल हैं उसको कितने ही साल हो गए हैं इस सदन में आए लेकिन अभी तक वह पास नहीं हो पाया है। मैं कहता हूं कि यह कम्पनीज बिल जो है यह इतना जरूरी बिल नहीं था जितना जरूरी बिल बच्चों के बारे में था और उस को पहले पास करवाया जाना चाहिये था।

श्री अलगू राय शास्त्री : यह बात सही है।

श्री एम० एल० द्विवेदी : आप जितने भी मेजर्ज यहां पर लाते हैं, उन सब से जरूरी यह काम है कि आप अपने देश के होनहार बच्चों की समस्याओं को हल करने के लिए कुछ करें। आप बड़े बड़े पौधे यहां पर ले आते हैं। आप इस

(श्री एम० एस० शिवमूर्ति)

बात पर विचार करते हैं कि मैनेजिंग एजेन्सी सिस्टम को खत्म करें या न करें। आप यह सोचते हैं कि टंजरर्ज और सेक्रेटरीज को और ज्यादा मुनाफा दें या न दें। मैं कहना चाहता हूं कि आप उन को छोड़िए और देखिए कि हमारे देश के बच्चे बरबाद हो रहे हैं और कोई भी उनकी निगहबानी नहीं कर रहा है। जब सरकार ही उन का ख्याल न रखेगी, तो फिर कौन रखेगा ?

आप कहते हैं कि जो बिल मैं ने पेश किया है, वह नाकाफी है। यह ठीक हो सकता है, लेकिन मैं ने इस गरज से इस बिल को पेश किया है कि इस अवसर पर आप को याद दिलाऊं कि आप ने जो वादा किया हुआ है, उसको आप ने पूरा नहीं किया है और अब को उसे पूरा करना चाहिए। अगर आप अपना वादा पूरा करने के लिए तैयार हैं, तो फिर मुझे कोई शॉक नहीं है कि मैं अपने बिल को इसी रूप में पास कराऊं। इससे बहुत अच्छा और कांप्रिहेंसिव बिल तैयार कर के इस सदन में रखा जा सकता है। सरकार की झाफ्टसमैनशिप और कार्बोलयत पर मुझे पूरा विश्वास है। मेरा यह भी विचार है कि एक्सपर्ट्स की राय ले कर जो बिल बनाया जायगा, वह अवश्य अच्छा होगा। लेकिन मेरा कहना यह है कि आप इस को टालें नहीं—इस बारे में गौर करें और जल्दी ही कोई कदम उठायें।

आप का कहना है कि हम ने जो डेफीनीशन्ज लिखी हैं, वे ठीक नहीं हैं और वेग हैं। मैं मानता हूं कि सम्भव है कि वे ठीक न हों और वेग हों। लेकिन एक बात आप सोचिए और वह यह है कि "बैगिंग" तो स्टेट सबजेक्ट है और "वान्डरिंग" एक सेंट्रल सबजेक्ट है—जहां तक कांस्टीट्यूशनल पायंट का सम्बन्ध है, वह सही है—, लेकिन जहां पर "बैगिंग" और "वान्डरिंग" या "वैगरेन्सी" कम्बाइन्ड हो, वहां क्या स्थिति होगी ? बच्चे उसी समय भीख मांगते हैं, जब कि वे आवारा हो जाते हैं। आवारा होना पहली शर्त है और भीख मांगना दूसरी शर्त है। अगर वे आवारा हैं, तो भीख भी मांगेंगे और अगर भीख मांगेंगे तो फिर आवारागर्द तो होंगे ही। मेरे कहने का मतलब यह है कि आवारागर्दी और भीख मांगना साथ साथ चलते हैं। इस लिए मेरा रिक्वेस्ट यह है कि आप इस सम्बन्ध में अपनी जिम्मेदारी को पहचानिए। आप यह मत कहिए कि यह तो स्टेट सबजेक्ट है और यह तो स्टेट गवर्नमेंट की ड्यूटी है। आखिर बच्चे पहले आवारा होते हैं और फिर भीख मांगना भी शुरू कर देते हैं। ऐसी सूरत में आप आवारागर्दी के बारे में कानून बनाइये।

और फिर दूसरी बात यह है कि हमारी स्टेट गवर्नमेंट्स किसी दूसरे की गवर्नमेंट्स तो नहीं हैं। स्टेट्स में कांग्रेस की ही गवर्नमेंट्स सर्वत्र हैं। अगर आप उनको दो शब्द भी लिख देंगे, तो कोई कारण नहीं कि वे इस विषय में सख्ती न करें और कोई कार्यवाही न करें—चाहे उत्तर प्रदेश सरकार हो, बम्बई की सरकार हो या मद्रास की सरकार हो, वे सब यह कार्य अपने हाथ में ले लेंगी। आप कह देते हैं कि हमारा उन पर कोई जोर नहीं है। मैं कहना चाहता हूं कि अगर आप इस प्रकार का बिल नहीं बना सकते, तो फिर स्टेट गवर्नमेंट्स के जरिये ही बनवाइये। मेरी मन्शा यह है, इस सदन की मन्शा यह है और देश के समस्त नागरिकों की मन्शा यह है कि आप इस विषय में कोई न कोई कार्यवाही अवश्य करें। जब अनाथालय बिल यहां पर आया था, तब भी इस सदन की निर्विरोध राय यही थी और आज भी जहां तक उसूल का सवाल है, कोई सदस्य नहीं है, जो उससे सहमत न हो। मुझे आश्चर्य होता है कि देश भर की राय को जान कर, इस संसद् के सदस्यों और भारतवर्ष के समस्त नागरिकों, देश-विदेश के लोगों और यू० एन० ओ० के मत को जान कर भी इस बारे में आप इतना विलम्ब कर देते हैं और इस महत्वपूर्ण मसले को चार चार वर्ष तक छोड़ देते हैं। इसमें कहां तक न्याय है ?

हमारे मंत्री महोदय ने कहा कि वह सदन में एलान नहीं कर सकते । तो मैं उनसे कहना चाहता हूं कि अगर वह ऐसा नहीं कर सकते, तो वह इस प्रकार का कम्यूनिक निकालें कि हम ने इस विषय में कैबिनेट में गौर किया है और शीघ्र ही इस पर विचार किया जायगा और स्टेट गवर्नमेंट्स को आदेश दिया जायगा कि अगले दिसम्बर तक इस बारे में कानून बना दिया जाय, ताकि अगले साल तक बच्चों की कुछ व्यवस्था कर दी जाय और भीख मांगना बन्द हो जाय । अगर आप ऐसा कर दें, तो मुझे कुछ संतोष हो जायगा । अगर आप यह आश्वासन दे दें कि आप इस किस्म का बिल लायेंगे, तो मैं इस बिल को वापिस लेने के लिए तैयार हूं.....

डा० सुरेश चन्द्र : वर्ना ?

श्री एम० एल० द्विवेदी : वर्ना वह चलेगा—चलता रहेगा । वह फिर कभी आयगा । अगर आप आश्वासन दे दें, तो मैं इस को वापिस लेने के लिए तैयार हूं ।

Shri Datar: The House is impressed with the earnestness with which the hon. Member has moved this Bill. I entirely agree with the arguments that the hon. Member has given, and I would promise to him that with all earnestness and urgency, we shall bring this matter to the notice of the State Governments; but we cannot give any dates in this regard.

श्री अलगू राय शास्त्री : धीरज रखिए, कभी न कभी हो जायगा ।

श्री टंडन (जिला इलाहाबाद—पश्चिम) : "मगर आसरे के साथ" ।

Mr. Chairman: In view of the assurance given by the hon. Deputy Minister, is the hon. Member withdrawing his Bill?

श्री एम० एल० द्विवेदी : मंत्री महोदय ने आश्वासन तो दिया है, लेकिन उन्होंने कहा है कि वह तिथि नहीं दे सकते । वह तिथि निश्चित न करें, लेकिन यह कार्य वह जल्दी से जल्दी करायें, यही मेरा निवेदन है ।

उनके इस आश्वासन को दृष्टि में रख कर मैं यह बिल वापिस लेना चाहता हूं और इस विषय में सदन की आज्ञा चाहता हूं ।

I beg to move:

"That leave be granted to withdraw the Bill".

Mr. Chairman: The question is:

"That leave be granted to withdraw the Bill".

The motion was adopted.

ADVANCED AGE MARRIAGE RESTRAINT BILL

Shri D. C. Sharma (Hoshiarpur): I beg to move:

"That the Bill to restrict the advanced age marriages, be taken into consideration."

Just now in this House we have been discussing a Bill which is a challenge to the social conscience of our people. My Bill also, in its modest way, is a challenge to the social conscience of our countrymen. At the very outset, I wish to submit that when this Bill was introduced in this House, it excited a great deal of interest. There were references to this Bill in some of the papers in India and, without feeling boastful, I must say that some correspondence from other countries also came to me, trying to discuss the pros and cons of this Bill.

I wish to hold, Sir, that this Bill contemplates a social legislation of a far-reaching character, a social legislation of a pioneering kind, a social legislation whose aim is the social integraton of our society on a very firm and broad basis. I am not doing anything unusual, because in the *Encyclopeadia of Social Sciences*, I have come

[Shri D. C. Sharma]

across this sentence, which I think will give the key to my Bill:

> "It may be safely predicated then that the future of marriage will be shaped not merely by utilitarianism, but largely on the bases of regnant ideologies".

I must say that we are living in this country in an atmosphere of new adeologies. reformed and better ideologies. We have forgotten or we have put aside the feudal or medieval conceptions of marriage. When I look at the social history of India, I find that in India we have had a series of Acts of social legislation. The first main Act of social legislation is said to have been passed in 1829; but I do not want to go into other aspects of social legislation. I want only to deal with social legislation which has some reference to marriage. In 1856, the Hindu Widow Remarriage Act was passed. In 1872, the Special Marriage Act was passed. This Act was later on amended in the year 1923. It recognised the civil form of marriage among Hindus which enabled them to enter into marital relationship irrespective of difference of caste and religion. Then, there were other laws. There was the Child Marriage Restraint Act which is popularly known as the Sarda Act. This was passed in 1929. It was later amended in 1938, and then in 1949. The result of this Act was that no Hindu girl below the age of 15 and no Hindu boy below the age of 18 could marry with impunity. There was the Alien Marriage Validating Act of 1937 which legalised intermarriages. There was the Hindu Women's Right to Property Act. In 1946, there was the Hindu Married Women's Right to Separate Residence and Maintenance Act passed. All these are Acts which have something to do with marriage in one form or another. Recently we have passed the Hindu Marriage and Divorce Act which has two very wholesome provisions. It puts an end to polygamy and introduces monogamy. It enables the husband and the wife to divorce. We have also passed the Special Marriage Act. I do not want to go into the details of all these Acts. What I mean to say is this. When I look at the history of the legislation that we have passed in this country, I find that my country and my countrymen have a dynamic and progressive approach towards the problem of marriage, I find that they have been changing their conception of marriage from time to time.

It may be asked why I am advocating against advanced age marriage. The reasons are very simple. When I was a student at school, I read the biography of that great Indian reformer, Iswar Chander Vidyasagar, whose name is a household word in our country. It is said that one of his old teachers wanted to marry again. Iswar Chander Vidyasagar asked him not to do so because he was fairly of an advanced age. But, the old teacher would not listen to him.

Shri U. M. Trivedi (Chittor): His previous wife was living.

Shri D. C. Sharma: You keep a census of wives who are alive. I have no census of wives alive or dead I am speaking about my Bill.

Pandit K. C. Sharma (Meerut Distt.—South): You must know the facts.

Shri D. C. Sharma: I know the facts. Unfortunately, you are not in a mood to listen to these facts.

Mr. Chairman: Order, order.

Shri D. C. Sharma: I was talking about Iswar Chander Vidyasagar. He asked the teacher not to marry again; but he did not listen to him. He foresaw the early death of his teacher and a long life of widowhood for his wife. It was this incident that made him advocate of widow remarriage. I do not want to go into instances like that to tell you about the misery that has been brought about by this form or advanced age marriage.

Recently, I was in my constituency, in a town which has about 3000 inhabitants. I was going through the main

bazaar of that town. I saw a young woman who had gone off her head. She was a young woman, very well dressed. She was being chaperoned by an old man. The whole bazaar was looking at that spectacle. I asked somebody, "What has happened to this woman?" He told me that that was a case of marriage of a person of advanced age with a young woman. I saw this only recently. I can multiply instances. I can tell you about the untold misery and suffering, mental, physical and psychological which these young girls undergo when they marry people of advanced age. Why do they marry persons of advanced age? They marry under compulsion from their parents. They marry sometimes these persons of advanced age for money.

I want to ask one question: Are we going to tolerate this kind of marriage, which is compulsion of the worst kind? Are we going to put up with a kind of marriage the basis of which is money or purchase? I would say that all these are feudal conceptions of marriage. I have read the history of feudal Europe and the history of some other countries which have passed through feudalism. We have not passed through feudalism in the sense in which China or Europe has passed. Still I find that some of the feudal customs have come to be embedded so much in our social system that drastic measures are required to do away with those obnoxious customs. I would say that the marriage of a young lady to a person of advanced age is nothing but a hang-over from the feudal system, from the mediaeval social system. I would say that it should be done away with.

There have been so many reformers in India. I want to submit that at least one of those great reformers said that the difference between the age of the bridegroom and the bride should be nine years—that which was talked about in the old days—that the man should marry at the age of 25 and the bride be not less than 16 years. There was one kind of marriage which had to be celebrated at the age of 36 and another kind of marriage to be celebrated at 48. This is because of the sociological conditions, because of the ethical conditions and it is also because of the biological researches. When one looks at this question from these points of view, one is led to believe that this kind of advanced age marriage in the form in which I have put it down in the Bill is something a social inequity of the worst kind. Recently, I came across a short paragraph in a newspaper. I do not want to give name of the newspaper.

An Hon. Member: Why?

Shri D. C. Sharma: Because, I do not want to give undue publicity to any newspaper on the floor of the House. It is dated the 1st September, 1955. The newspaper is published in Delhi. And what do I find here? A gentleman who is about 60 years of age has married a girl of 18 years of age. He has three sons who are 15, 25 and 30 years old. These sons of his opposed his marriage, but .....

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): But love is blind.

Shri D. C. Sharma: .....I should say the folly of this man—and there are some persons who are in great love with folly—was unlimited and could not be mitigated. Why does the paper report this thing?

An Hon. Member: Which paper?

Shri D. C. Sharma: It is a paper published in Delhi. It is because.....

Shri Raghavachari (Penukonda): It cannot be compulsion. It is over 18 years.

Shri D. C. Sharma: It is not compulsion according to the lagging social consciousness of some persons, but it is compulsion according to the enlightened social consciousness of those persons—and this Bill refers to the enlightened social consciousness— for whom I am speaking.

Why does he try to make news of this? Well, it is something unthinkable,

[Shri D. C. Sharma]

something out of the ordinary. It is like an accident. We find news about air accidents in the papers, about railway breaches, and they are publicised. In the same way, this kind of news is publicised in the papers because it is a social accident of magnitude.

Shri U. M. Trivedi: May I know what time is allotted for this Bill.

Mr. Chairman: Two hours.

Shri U. M. Trivedi: There must be some time limit for the introduction also. He can carry on, I have no objection.

Mr. Chairman: I may make it clear that two hours are allotted for this Bill, but this Bill must be divided into two stages. This is the consideration stage, and if the consideration motion is passed, then we shall have to take up clause by clause consideration also. So, I think the hon. Mover of this Bill must bear it in mind that after all he must allow some time for other Members also.

Shri D. C. Sharma: Yes, Sir.

Mr. Chairman: So, I would request him not to take excessive time, so that some time may be devoted by others to this motion and then the clause by clause consideration may also be taken up.

Shri D. C. Sharma: I will finish in another five minutes.

Our folk songs are the unwritten wisdom of our nation. A friend of mine who is a great collector of folk songs, Shri Devender Satyarthi, has given me some sample songs from the Punjab, Rajasthan, from the hill district of Kangra and from Uttar Pradesh in which I find the fate of young girls married to old men described:

> "With a basket on my head I left home. Is there any customer who will buy him?"

This is a very uncomplimentary reference to a husband who is a very old man.

> "Alas, mother wedded me to an old man, The old man likes to lie on the mat, Have this rotten mat, old man, have this rotten mat."

So, I would say that this kind of thing is to be found not only in our sociology but also in our folk songs.

Again, I wish to submit that in some of our Sanskrit books there are things like that. It is said that a man who marries at an advanced age is in a way taking poison. I do not want to quote that proverb. So, what I was saying is this, that the accumulated experience of the ages, the accumulated wisdom of the ages, our own experience, our present day life, our changing conceptions, all these demand that this social disease should be wiped out. I can admit that this social disease may not be of very great magnitude, but I say that it is a social disease of the worst kind, and though we have advanced in certain sectors in this country, this social disease does not show any signs of diminution. It is not on the decrease. I would threfore say that this Bill which is of a very mild type should be accepted by the House. Of course, there may be some differences about what constitutes old age. There may be also some differences about other things. But that does not matter. The idea is this, that young women should be saved, and also old persons of advanced age should be saved. Persons of advanced age should be saved against themselves. Because I know matches of this kind lead to widowhood and lead to complications of all kinds, social, legal and otherwise.

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): May I know whether the Mover regards himself as old or young?

Shri D. C. Sharma: With these words I commend this Bill to the attention of the House.

Mr. Chairman: Motion moved:

> That the Bill to restrict the advanced age marriages, be taken into consideration."

Shri U. M. Trivedi: I hoped that a man of such great learning as my hon. friend Shri D. C. Sharma would give some exposition about the Bill which he has introduced in the House. He has delivered us a good harangue no doubt about some marriages at advanced age, but he has failed to carry conviction to our minds by any analysis of the Bill which he has introduced in this House. It was up to him to have said something regarding the clauses which he has put into this Bill, but he has not dwelt upon any one of them or stated where the necessity is for the introduction of this Bill, what are the facts behind it which lead him to put the age of 40 for a man or 25 for a woman. He has not said anything as to why punishment should be meted out to persons who attend marriages or perform marriages when they are not of merely children whose marriages are being performed, but grown-up, adult people whose marriage is being performed. They invite us for marriage parties for performing them and we go to those parties, and then we get punished. Why this particular provision?

And he has not told us one word why this jurisdiction has been vested in the Presidency Magistrate. Where is the time for a Presidency Magistrate to look into such things, and then give a jurisdiction to a District Magistrate to look into such affairs and take cognizance of them. I therefore say there ought to have been some data and some reasoning behind the introduction of this Bill.

It becomes extremely difficult. It is really a very delicate question and it is very embarrassing to address this House on this question which is entirely a question of sex. And I do not know how this Bill has been introduced by a gentleman, by a friend, and I should say a very honourable friend, who does not admit his knowledge of any sex life, who does not admit that he has made a special study of biology and who shows a great lack of his knowledge about genetics. The difficulty is that one must realise—and at his age he ought to have realised, he is past that age—that a man becomes highly active sexually at the age of 40. As a man of the world and as an experienced man who is above 50 years of age, he ought to have realised it. Further, there is no need for him to suggest that those above the age of 40 should not marry young girls below 25 years of age. It would have been something if he had suggested some upper limit and said that a man above the age of 60 or 70 should not marry. If he had put an embargo like that, that would have been understandable But to put an embargo on a man at the age of 40 or above from marrying is not proper. For instance, there may be a man who may not like to marry until he feels that he has settled down in life, as is the case generally in other countries. To put an embargo like this on such a person saying that he shall not marry a female who is less than twenty five years of age, and further that he shall not marry a person who had not been previously married, is not proper.

Moreover, the language used by my hon. friend in this Bill is very bad, of course.

Shrimati Subhama Sen (Bhagalpur South): He is a professor.

Shri U. M. Trivedi: He has said here 'and who had not been previously married' After all, a man is not going to marry an already married woman. So, my hon. friend ought to have said 'one who has not already been divorced in some respect'. Perhaps, my hon. friend has translated from Hindi to English, and that is where his mistake lies. Why should he put this kind of an embargo that he shall marry only a woman who has got some marital experience? That is not very fair at all.

On the contrary, there are some women who are not very old, and who want to marry males of the age of 40 or so. At the age of 20, we find that our women are well-developed, and at the same time very conscious

[Shri U. M. Trivedi]

and well-versed in the art of keeping our houses. What harm is there in a woman at the age of 20 marrying a man at the age of 40? There is nothing wrong in it. Further, when a woman reaches the age of 45, she becomes practically an old woman feeling the urge of sex going away. But a man even at the age 60 has the urge of sex still remaining. So, I for one do not see any reason in not permitting a woman at the age of 20 to marry —and then permitting her to end her sexual life at the age of 45 when she has become old to marry. A man at the age of 45 or 50 who is still strong and has the urge of sex should not be tacked on to a woman sexless. What harm is there in allowing such a marriage of a woman of 20 to a man of 40. I for one do not see any reason for putting inhibitions on this institution of marriage.

We have already made provisions for divorce galore, and two Bills have already been passed in that respect, namely the Special Marriage Bill and the Hindu Marriage Bill. Thus, we have opened out all the doors and windows to allow all sorts of remarriages and divorces. Under those circumstances, where does the necessity arise for a Bill of this nature?

There is another point in this connection. Perhaps, it might not have been within the experience of my hon. friend that there are some old ladies who want to marry young men. My hon. friend is not putting any restrictions on those women. Why should he put restrictions only on the male and not on the female? We know of several instances like that. My hon. friend seated behind me, Shri Amjad Ali, has told me that the great prophet Muhammed also married a lady who was older than he.

An Hon. Member: 20 years older than he.

Shri U. M. Trivedi: If it were a question of incompatible marriages, then there would have been some substance in my hon. friend's Bill, and there would have been some point in laying down this kind of a prohibition. But what he has done is to put the restriction only on the males at the advanced ages.

Perhaps, my hon. friend has done like this just with a desire to get some sort of publicity. But I should say that he should not have aimed at that through this Bill. He is a reformist, no doubt, and he has got good reforming ideas; and having been a teacher all his life, he must have felt like that. But the world has been moving, and several developments have taken place in the world from different angles. If we study some of those developments and some of those angles, we shall find that there is absolutely no justification either for the introduction this Bill or even for its consideration. We have got many other urgent and deeper problems to tackle first. Therefore, I would request my hon. friend to withdraw this Bill.

The Bill that was withdrawn a little while ago was not worded properly, but at least the sentiment behind it was a good one and a substantial one. But there is nothing of that kind in regard to this Bill, and I should say that the hon. Mover should take the earliest opportunity to ask for the leave of the House to withdraw this Bill.

श्रीमती शिवराजवती नेहरू (जिला लखनऊ—मध्य) : हमारे माननीय सदस्य जो बिल लाये हैं वह एक समाज सुधारक बिल हैं और उस का सिद्धान्त भी ठीक हैं। परन्तु उस के प्राप्त करने का जो रास्ता रखा हैं वह बड़ा गलत हैं। यह सही हैं कि अधिक उम्र के अन्तर की जो शादी होती हैं वह बड़ी दुखदायी होती हैं, साथ ही यह भी सही हैं कि विधवा की शादी रंडुए से ही होनी चाहिये। लेकिन हमारे माननीय सदस्य ने यह नहीं बताया हैं कि ४० वर्ष का मर्द कैसा हो, अगर वह कोई कुंआरा आदमी हो तो ? इस में

सिर्फ ४० वर्ष का आदमी ही कहा है। लेकिन चूंकि चालिस वर्ष का आदमी कहा है इस लिये गालिबन वह दूसरी शादी करने वाला ही होगा।

पंडित के० सी० शर्मा (जिला मेरठ—दक्षिण): जरूरी नहीं है।

श्रीमती शिवराजवती नेहरू : एक रंडुए की शादी विधवा से ही होनी चाहिये, यह तो उचित बात है।

Shri U. M. Trivedi: Is it parliamentary to use the word 'रंडुआ' ?

Mr. Chairman: There is nothing wrong in the use of that word.

Shri U. M. Trivedi: The better word would have been 'विधुर' This word 'रंडुआ' has got a very bad meaning at least on my side, a hopelessly bad meaning.

Mr. Chairman: It may be so in your part. But this is just an ordinary word otherwise, and this can be used.

श्रीमती शिवराजवती नेहरू : इस बिल में इस को लाने का कारण यह बताया गया है कि चूंकि बड़ी बड़ी उम्र के पुरुषों से छोटी छोटी उम्र की लड़कियों की शादी हो जाती है, इस लिये कुछ दिनों के बाद वह विधवा हो जाती हैं और जीवन भर उन को विधवा रह कर ही गुजारना पड़ता है, जो कि बड़ी दुःखदायी बात होती है। यह बात बिल्कुल सही है, और इस का कारण यह है कि हमारे देश के जो माता पिता होते हैं वह यह नहीं देखते हैं कि मर्द की उम्र क्या है, वह तो सिर्फ धन देखते हैं और धन के ही लालच से वह अपनी पुत्रियों को बेच देते हैं और बड़ी उम्र के मर्दों से अपनी पुत्रियों की शादी कर के उन का जीवन बिल्कुल बिगाड़ देते हैं, उन का जीवन दुःखी बना देते हैं।

साथ ही यह भी सही बात है कि जब किसी ज्यादा उम्र के पुरुष के साथ किसी छोटी उम्र की लड़की की शादी होती है तो पुरुष ठीक से अपनी राय कायम नहीं कर सकता है। वह स्त्री के वश में आ जाता है, जिस के कारण घर में भी कलह मच जाती है और सब को ही तकलीफ होती है। ऐसा कहा जाता है :

"दुजाहे की जोरू, नख्खास की घोड़ी,
जितनी ही कूदे, उतनी ही थोड़ी।"

जो दुजाहे की जोरू होती है, वह अपने पति के ऊपर बहुत ज्यादा हुकूमत करती है। जब कभी छोटी उम्र की स्त्री की शादी बड़ी उम्र के मर्द के साथ हो जाती है तो वह उस के ऊपर हावी हो जाती है और सारे घर भर के ऊपर कब्जा कर लेती है, जिस की वजह से घर वालों को भी अपार कष्ट होता है। परन्तु इस को रोकने का उपाय यह नहीं है जो कि इस बिल में सुझाया गया है। इस का उपाय यह है कि हम समझ बूझ कर अपने देश के युवक युवतियों को अपनी इच्छा से अपना जीवन साथी चुनने की इजाजत दें और माता पिता जो हैं वह अपने पुत्र और पुत्रियों की शादी में हस्तक्षेप न करें। यदि ऐसा हो जाय तो जाहिर सी बात है कि अगर स्त्री पुरुष किसी को समझ बूझ कर पसन्द कर लेंगे और शादी करेंगे तो फिर किसी को परेशानी नहीं होगी। अगर कोई स्त्री जान बूझ कर किसी बड़े मर्द से शादी करे या कोई पुरुष छोटी उम्र की कन्या से शादी करना चाहे तो उस को कानून बना कर नहीं रोका जा सकता है। इस में सरकार कर भी क्या सकती है ? यदि कोई २० वर्ष की स्त्री है और वह ४० वर्ष के मर्द से शादी कर ले, और सरकार कानून के जरिये उस को रोकना चाहे, तो यह तो वही बात हुई कि :

"मियां बीवी राजी, तो क्या करेगा काजी"

यह जो हमारे माननीय सदस्य ने कहा कि एक अखबार में यह बात छपी थी कि ४० वर्ष के पुरुष से १८ वर्ष की लड़की की शादी हुई, और उस आदमी के बड़े बड़े लड़के थे, तो मैं समझती हूं कि उस लड़की ने अपनी इच्छा से शादी न की होगी। मां बाप ने उस की शादी तय की होगी। मुझे ऐसी भी मिसालें मालूम हैं जहां पर कि एक ऐसी ही शादी होने जा रही थी, परन्तु जो लड़की के गांव वाले थे उन्होंने उस का विरोध कर के फौरन ही सारी बारात को तहस

[श्रीमती शिवराजवती नेहरू]

नहस कर दिया और लड़की की ख्वाहिश को जान कर उस की शादी अपने में से ही एक नौजवान से कर दी। ऐसी बहुत सी मिसालें मौजूद हैं। यह जो आयु रखी गई हैं कि ४० वर्ष का पुरुष हो और २५ वर्ष की स्त्री हो यह भी कुछ ठीक नहीं जचती हैं। मान लीजिये कि पुरुष ४० वर्ष का न होकर ४२ वर्ष का हो और स्त्री २५ वर्ष न हो और इससे दो वर्ष कम हो तब उसमें क्या अन्तर पड़ता हैं। सभापति जी, आप तो जानते ही हैं कि आजकल के जमाने में २५-२५ और २०-२० वर्ष की लड़कियां मौजूद हैं जिन की शादी नहीं हुई हैं। मैं पूछती हूं कि इस में विधवायें रखने की क्या जरूरत हैं। यदि वह विधवा हो तभी उसकी उस पुरुष से शादी हो सकती हैं यह ठीक नहीं हैं। मैं तो यह चाहती हूं कि जो शादी का अन्तर हो वह पांच साल का हो और इस से ज्यादा न हो और फिर उसके बाद चाहे वह पुरुष ६० वर्ष का हो और स्त्री चाहे ५५ वर्ष की हो इस में किसी प्रकार का भेदभाव नहीं होना चाहियें। इस लिए मेरी प्रार्थना हैं कि इस बिल में यह बात होनी चाहिये कि स्त्री और पुरुष की आयु में पांच वर्ष से ज्यादा का अन्तर न हो।

इस के बाद इस बिल में यह हैं कि यदि व्याह को एक साल हो जाए तब कोई कार्रवाई नहीं होनी चाहियें। इस के क्या माने हैं। अब शादी हो गई तब फिर तीन महीने हुए हैं या छः महीने हुए हैं, इस से क्या अन्तर पड़ता हैं। जिस तरह से एक साल के बाद कार्रवाई नहीं हो सकती उसी तरह तीन महीने के बाद या छः महीने के बाद भी कार्रवाई क्यों हों? और सजा क्यों दी जाय? इस बात को भी देख लेना जरूरी हैं।

इस के बाद इस बिल में यह दिया गया हैं कि इंक्वायरी की जाए। मेरी प्रार्थना हैं कि यह तो एक बड़ी मुश्किल सी बात हैं कि घर घर पुलिस वाले जायें और पूछताछ करें कि कहीं किसी बड़े आदमी की किसी छोटी लड़की से शादी तो नहीं हो रही हैं। यह एक बहुत बुरी बात हैं कि पुलिस वाले हमारे घरों में घुस सकें और यह देखें कि किस पुरुष की किस स्त्री से शादी हो रही हैं या किस स्त्री की किस पुरुष से शादी हो रही हैं।

इस में आगे चल कर यह भी कहा गया हैं कि अगर ऐसी शादियां हों तो उन के ऊपर १,००० रुपया तक जुर्माना किया जा सकता हैं और एक मास की कैद दी जा सकती हैं। यह दोनों बातें मुझे ठीक मालूम नहीं पड़ती हैं। अगर इस बिल की यह मंशा हैं कि इतना ज्यादा जुर्माना करके सरकार का कोष भरा जाए तब तो दूसरी बात हैं। इस बिल के उद्देश्य में यह कहा हैं कि बड़ी आयु के पुरुष छोटी कन्याओं से विवाह कर लेते हैं तब वह कन्या छोटी आयु में विधवा हो जाती हैं लेकिन मेरा कहना यह हैं कि हम ने विडो रिमैरेंज बिल बहुत वर्षों से पास कर दिया हैं फिर भी यदि विडोस ही दुबारा शादी करवाना नहीं चाहती हैं तो सरकार उनसे यह काम जबरदस्ती नहीं करवा सकती हैं। इसी तरह से यदि आज हमारे देश में बहुत सारे ऐसे लोग हैं, पुरुष हैं या स्त्रियां हैं जो कि अपने से बड़ों या अपने से छोटों के साथ शादी करना चाहते हैं तो सरकार को उनको ऐसे कार्य से कानून द्वारा रोकना कठिन हैं। यह काम तो समाज सुधारकों पर छोड़ दिया जाना चाहियें। समाज सुधारकों को लोगों को यह बात बतानी चाहियें कि ऐसा काम करना गलत उचित नहीं हैं और ऐसा नहीं होना चाहियें। यदि आप ऐसा करेंगे तभी समाज सुधार होगा और स्त्री और पुरुष की सारी समस्यायें हल हो जायेंगी। यह चीजें कानून द्वारा हल नहीं हो सकती हैं।

Shri Raghavachari: I rise to express my feeling that the Bill is based upon certain basic ideas which do not exist today, and the remedies conceived do not really achieve the purpose.

The Minister of Legal Affairs (Shri Pataskar) May I make an enquiry. I think there are two hours allotted for this Bill.

Mr. Chairman: Two hours for all stages.

Shri Pataskar: If we can fix up some time for the stage of consideration, then we may know what is the time for the next stage.

Shri Sinhasan Singh (Gorakhpur Dist.—South): That stage will not come.

Shri Pataskar: If that stage will not come, why spend time on this?

Mr. Chairman: We may just appropriate some time for this stage, and then we may proceed to the next stage. If that stage does not come, that time may be availed of for some other purpose.

Shri Pataskar: That would be better.

Mr. Chairman: If the House agrees, we can finish the consideration stage by, say, 4·30 or 4·45 P.M. The hon. Member who was just on his legs will take some time. Another hon. Member may take some time. Then the Minister of Legal Affairs will speak.

Sardar A. S. Saigal (Bilaspur): The Minister of Legal Affairs is not going to accept it.

Shri Pataskar: I think the consideration stage will be over by 5 P.M.

Mr. Chairman: It will be over at 4-45 P.M. if the House so agrees.

Shri D. C. Sharma: Two hours were allotted for this Bill.

Dr. Suresh Chandra (Aurangabad): The House does not want it.

Mr. Chairman: The clause by clause stage will also take some time. The hon. Member realises that the clauses are much more important. He himself said that the question of age is very important. So if the consideration motion is passed, the question of age will come and there might be differences of opinion and many Members may like to speak. So I propose that the consideration stage may be finished at 4·45 P.M. and then we will proceed with the clause by clause consideration.

Some Hon. Members: Yes.

Shri Sinhasan Singh: May I make a suggestion? The clause by clause consideration stage probably may not come in the case of such Bills, Government's opposition is there, and the Mover being a member of the Government Party, will have to withdraw the Bill. The whole idea is to bring to the notice of the House and the country at large that such marriages should not be solemnized.

This will have a moral effect. So let the discussion go on, and Members may express their opinions this way or the other; we may prolong it and we may allot 15 minutes for the clause by clause stage, if it comes at all.

Mr. Chairman: May I take it that according to the hon. Member, this Bill is not likely to pass the consideration stage? I cannot make a supposition like that at this stage. I have taken the sense of the House, and the House has just agreed that the consideration motion may be put at 4·45 P.M.

Sardar A. S. Saigal: Yes.

Shri Raghavachari: I was just submitting that the basic idea behind this Bill is really not existing now and, therefore, the very purpose and object, on which it is based, is not available to him. If you read the Statement of Objects and Reasons, it says: 'leaving young widows to mourn over the loss of their husbands all their lives'. So the conception behind this Bill is that marriage between a man and a woman is a union for all life, and if that breaks, then mourning continues for the rest of the life, in the case of the person left behind. Now, law has provided, and society has to reconcile itself to the other principle, because recently we passed marriage laws permitting marriages only for some time, not necessarily for the whole life. In other words, man and woman come together not for all life, but for some time, one at a time. That is the spirit of the monogamy and other laws which were passed. Therefore, the very foundation on which Shri D. C. Sharma, the Mover of this Bill, has based it, that the other partner is to mourn all life, now is not there.

[Shri Raghavachari]

It, evidently, was one of the circumstances that induced him to think of this measure, because once a woman became a widow, she was helpless and could not find a partner as the law and the society did not permit it. Even that is changed now. And, what is most strange to my mind is that the Mover has not given us any figures of the number of marriages that have taken place between a man of over 40 years and a woman of under 25 years, what is the percentage of widowhood that has arisen, only within that marginal period. We have not got all that. The remedy he conceives practically restricts the fundamental freedom of human beings. He wants to direct that if a man of over forty years wants to marry, he must marry a woman who has already had the experience of marriage.

Shri Sinhasan Singh: Not necessarily.

Shri Raghavachari: It is bound to be.

Shri Sinhasan Singh: She may be above 25 and she may not be married.

Shri Raghavachari: What he says is this:

> "who is less than twenty-five years of age and who had not been previously married.....".

Therefore, the woman should be more than 25 years or should be a married woman. He has, therefore, restricted the freedom by the provision he has proposed. That way also it offends against individual liberty.

He no doubt has the sympathetic desire that they must have the happy experience of married life. But, now people can marry and then divorce and find more happiness in other alliances. All that is now available. This provision of restriction and restraint on choices is not desirable.

Further, I would just mention that an amendment to this effect was moved in this very House when the other Marriage Bill was under consideration—that a man of a particular age must marry only a woman of a particular age or the difference in age must be a definite something—or amendments like that. These amendments were moved and this House rejected them. I am not putting it on the technical ground that that bars the consideration of this Bill. What I mean to say is that the House has not viewed with favour restrictions of that kind.

If you really examine the provisions that he has made they do not seem really to work as a preventive against such things happening. After all, he provides for three months' simple imprisonment. What is going to be the effect of such a marriage? There is no provision to make it a nullity. What are to be the consequences on the children of such marriages? That has to be governed by other laws. What he says is three months' simple imprisonment. Men who are prepared for this may possibly take the risk.

Another circumstance which I wish to point out is this. One of the reasons given in the Statement of Objects and Reasons is the prevailing corruption in Indian society on account of the absence of any such legislation. I take it that he means that the parents of the girls under 25 years of age—that is the limit he has fixed—sell them or allow them to be married for other considerations, that is, for money. It is based more upon that kind of feeling. One can understand the restriction if it was in respect of a woman who could not herself agree to marry. But, he has put it as a woman under 25 years. It may be that a woman is willing to take as her partner and love a particular individual who is 40 years of age, whether she was already married or unmarried. He has thus extended it to cases where there may not be corruption present at all. Even if a lady who is of 23 or 24 years of age willingly and voluntarily agrees to take as a partner an individual of 40 years, it is impossible for her to do so. This theory of corruption alone coming in the way for these marriages is not always to be found.

He has provided for injunction and prevention of these things. By which court, I do not understand. He says, 'on a complaint'. Is it that our friend proposes to give jurisdiction to the criminal court to issue injunctions preventing such marriages or is it the ordinary civil courts? It is not clear. He is, therefore, actually introducing some complications in the existing law. It looks as if he intends to bring about a situation whereby unhappy marriages may be prevented. But the whole thing is conceived in such a way that it will not bring about the result intended. Therefore, I cannot support the Bill.

Shri Pataskar: I have great sympathy for the hon. Member who has brought forward this Bill, with the laudable object of preventing marriages between persons of unequal age.

Shrimati Sushama Sen: Laudable?

Shri Pataskar: His object in moving the Bill is to prevent marriages between persons of unequal age which is exactly a very laudable object.

Shri Jaipal Singh (Ranchi West-Reserved-Sch. Tribes): Is the hon. Minister expressing the views of the Treasury Benches?

Shri Pataskar: Why; is there any doubt in the mind of the hon. Member? I think he ought to agree with me; I expect him at least to agree.

Shri Jaipal Singh: I only wanted to know whether it is the official view of the Treasury Benches. That is why I asked.

Mr. Chairman: It is the view of Government; there is no doubt. What is wrong with it?

Shri Jaipal Singh: There is nothing wrong. I only wanted to know whether it is the view of the Treasury Benches. 'Yes or No', that is what I want to know.

Shri Pataskar: I leave it to the hon. Member to consider it in any appropriate manner he likes.

The main point I was saying is that this is a very novel method of achieving the object which the hon. Mover of the Bill seems to have in his mind. I was saying that it is true that marriages between unequals sometimes—and more often than otherwise—lead to results which are undesirable. But, it is not every human action that could be controlled by legislation. That is the main point to be considered.

Then, what is the evil for which this Bill has been brought and which can be eradicated by passing a measure of this nature? what does he say in the Statement of Objects and Reasons? He says:—

> "Everyone in this country is conscious of the deplorable fate of young women who are married to males of advanced age.....".

It need not always be deplorable. A marriage between a man of 40 and a girl—now a woman—of 25 means a marriage between two major persons. I can understand that there is some justification for saying that if an old man is marrying some minor. We agree that there is some justification for preventing such marriages. All that has been raised in the past. But he says.

> "Everyone in this country is conscious of the deplorable fate of young women who are married to males of advanced age.....".

Is a man of 40 really of such advanced age that when he marries a woman below 25 years of age the result is necessarily deplorable?

Shri Gidwani (Thana): These are the proper ages now.

Shri Pataskar: He may have come across a few cases where a man of 60 married a girl of 18. But his Bill is not for 60 and 18; his Bill is for 40 and 25. Both of them are majors.

Shri Gidwani: These are the normal ages of people marrying at present.

Shri Pataskar: How can you predict that a marriage between persons of over 40 and below 25 will always

[Shri Pataskur]

lead to deplorable results? It may lead to good results or it may lead to bad results.

Then again what does he say? If the woman happens to be a widow there is nothing wrong. The probable reason is that if the man dies, she may again become a widow. That seems to be the idea underlying this provision. If she is a widow of less than 25, then it does not matter. I have carefully read the Bill. He says:

> ",....leaving young widows to mourn over the loss of their husbands all their lives."

He does not seem to have sympathy for a widow who again has a chance of marrying and becoming a widow. The Mover of the Bill has no sympathy for those unfortunate women who have become widows before the age of 25 years. And as he predicts, such women may again become widows. We have sympathy for the cause of such women. Then it says "Widow remarriage is not prevalent in India....." That is a startling proposition. As a matter of fact, in many communities, as I said on another occasion, there is remarriage; probably in some advanced communities which forms about 15 or 20 per cent. this may not be very prevalent, but as my hon. friend will also admit, during the last few years and even now remarriages are very common even among these communities and it is not looked upon with the same disfavour as it used to be. Then it says "and the prevailing corruption in Indian society....." This is a proposition to be made out with caution, and we could not follow this. Then again "on account of the absence of any legislation"—I was waiting and waiting to hear that if really the absence of such a legislation was going to lead to corruption, we must do something. He cited no example as to what 'corruption' means. I do not know whether it means the corruption of society. To my mind, this Bill is brought forward, as I said at the beginning to which my friend over there objected, with a laudable object. The idea was that there should not be marriages performed between a man of, say, 60 or 70 years and a girl of 14 or 15 or with some such inequalities. Naturally, I think these are things which must be left to be adjusted by people among themselves either by volition or by the stress of social circumstances. After all, the remedy would lie in educating opinion among those people where probably such unequal marriages take place rather than by legislation. Of course, the Mover has served a purpose by bringing this to the notice of the people that unequal marriages are undesirable. Beyond that, we cannot pass a legislation, because fundamentally it will be very difficult to enforce a legislation of this type. What will be the result in every case? It will have to be found whether the woman was 25 and the man was 40. Perhaps they may be leading a very happy married life—who knows it? Again, at 40 a man may be in good health and though less than 25 a woman may be of poor health. Biologically also it is very difficult to predict these things. So, whether a marriage is happy or otherwise depends not merely on age. If that was the only factor, then we could straightaway legislate, having some biological grounds, and then regiment all sexual life. That is quite a different matter. Attempts have been made in the past to bring measures like this in the Central Assembly and other Assemblies. This is done with a very good object of introducing some social reform, but as the Mover himself knows, there are so many other matters of social reform which are still pending, and, therefore, this social reform of preventing marriages of persons of unequal age has to be examined from different points of view. It is not merely on the ground of age that such a Bill should be passed. Whatever his intentions may be, the Mover will have realised that to have a legislation of this kind will be very difficult for any Government to enforce and again it is for a cause which may or may not exist. I have also tried to ascertain the position in advanced countries

as it may be said that ours is a backward society and not sufficiently advanced. So far as I could find no such attempt has ever been made anywhere, even in the so-called advanced countries to fix ages of marriage. In the olden days marriages between a man of 60 or so and a girl of 16 or 17 was common and in Maharashtra there was a Sharada drama, which was very popular and it created a good impression so far as such marriages are concerned. All steps must be taken to prevent unequal marriages wherever the inequality was very bad, but that should be solved in a different level, in a different manner and from a different point of view. As I said, legislation for such a purpose is out of place. If you want once to start controlling the relations between two major persons, how far we should and can go is a matter worth, considering.

The other aspect that I would like to urge is the difficulty of enforcing such an enactment and the consequences of harassment that might result from passing a restrictive legislation of this kind. I would, therefore, appeal to the Mover not to press this Bill.

Shri D. C. Sharma: What am I supposed to do now, Sir? I have to reply.

Some hon. Members: Withdraw the Bill.

Mr. Chairman: It is within the discretion of the hon. Member to make his reply or not. It is his own lookout, but I have called upon him in case he wants to make a reply before I put the motion.

Shri Sinhasan Singh: As I said in the very beginning, if the Mover should ask for the withdrawal of the Bill, the position will be awkward and we have been deprived (*Interruptions*).

Mr. Chairman: If the Mover is prepared to withdraw, it will be put to the House. The position is not awkward.

Shri D. C. Sharma: I do not know why you are sitting all the time and interrupting everybody.

Dr. Suresh Chandra: He should address the Chair.

Mr. Chairman: Order, order.

Shri Jaipal Singh: On a point of order. Is it proper for any Member of this House to anticipate the decision of another Member as to what he is going to do or not going to do? Have we the right to prophesy that hon. Member will take up the time of the House over a measure of this sort? Another hon. Member tells us in advance that he is going to withdraw. Is it fair to the mover of the Bill? Is it fair to the House as such?

Mr. Chairman: There is no point of order at all. The hon. Member could certainly anticipate. It is his own anticipation. The Chair has not acted on the basis of such anticipation. In the ordinary course, the Mover is called upon to make a reply if he so chooses. If the House agrees to the withdrawal of the motion, the Bill will be withdrawn.

Dr. Suresh Chandra: The hon Member himself did not know whether he should reply or not. That was the reason.....

Mr. Chairman: Order, order. He is replying.

Shri D. C. Sharma: I do not know what kind of effect the speech of the Minister of Law has had on me, but it is very strange to hear from the Minister of Law a homily on the futility of legislation.

Dr. Rama Rao (Kakinada): Minister of Legal Affairs.

Shri D. C. Sharma: He has been telling us that we cannot have legislation on every aspect of life in this world. If we study the recent trends in legislation in the countries of the world and especially India, I would say that we are trying to have legislation which covers almost every

[Shri D. C. Sharma]

aspect of the life of man. If that is so, I do not understand why this kind of legislation should have been taken exception to by the hon. Minister of Law.

It has been said that if this Bill is passed, it would be difficult to enforce it. That is another surprise for me. I had thought that it was within the province of the Government to enforce every Bill that became an Act and that the Government was powerful enough. This kind of a confession that it would be very difficult for the Government to enforce this Act is very surprising. It has been said that this Bill will cause a great deal of harassment.

We have recently passed a Bill which has become an Act with regard to pure food. I can tell you that there are *hartals* in the villages and in the cities and I cannot go to any village or town in my constituency without coming across people who are very much annoyed with us for having passed that Bill. They say that they could not be held responsible for that kind of adulteration which that Bill contemplates. They do not know what is to be done about it. I have been going about in my constituency and I have come across persons saying that it has been the cause of a great harassment. Did you contemplate that that Bill would cause a great harassment. I do not think that we contemplated that. We passed that Bill in the interest of society. This Bill is going to be in the interest of society and I do not think that it is going to cause such harassment as for instance that Bill about pure food is causing, according to the traders and shopkeepers at least in my constituency. In my State recently a deputation came from Quadian and they said: "We have brought samples; here are these things; how can we be responsible for the purity of these articles which we get from others?" When legislation is passed harassment sometimes goes with it.

Shri Pataskar: There is one difference; that legislation was necessary for solving a vital problem.

Shri D. C. Sharma: I say that problems are vital not only quantitatively but also qualitatively. I do not take only the quantitative view of the problems; I take the qualitative view also. I think the unhappiness of one family is a factor which has to be taken note of as much as the purity of food. I take a qualitative view of things as well as a quantitative view of things. What I was going to say was that the speech of the hon. Minister has not convinced me that this kind of legislation should not be brought forward.

It has been said that the Bill is defectively worded. I must confess it to you, Sir, that I took the help of a lawyer friend to draft this Bill.

Shri A. M. Thomas (Ernakulam): He would not have been a competent lawyer.

Shri D. C. Sharma: If I had done it myself, perhaps the Bill may not have been as good as it is now. But I must tell you in all honesty that this Bill was drafted in consultation with a very good lawyer—I do not want to mention his name—and I had incorporated some of the suggestions that he put forward. Therefore, if there are any defects in the Bill, they are all that of the lawyer friend of mine and not mine. After listening to these lawyer friends my faith in that lawyer friend, I feel, was not as justified as it would otherwise have been.

Shri Gidwani: Nobody will help you hereafter.

Shri D. C. Sharma: Persons who have spoken about this Bill have expressed sympathy with it. Sympathy is a very vague thing and I am the last person to depend upon the sympathy of anybody in this world. But I must say that there are speakers who have preceded me who are in accord with the sentiments which had

worked in my bringing forward this Bill and that sentiment is very simple. I do not want, as I said in the beginning, living as we do in a backward country, that our young women should be married to old men for some reason or another. My friend Shri Raghavachari has said just now that sometimes a young girl is purchased. I do not deny that. It has been said that they are sometimes coerced into a marriage of that kind; I do not deny that. Is it not a very retrograde thing in our society that we should have a social situation of this kind where young girls are purchased or coerced? I think this a sore in our society and if I want to stop that sore I do not think that I am doing anything wrong.

What is my conception of advanced age?—It has been asked. Again I will say that advanced age is not to be taken in the sense in which my friends who have read the literature of the countries of the world take it. Advanced age in India is to be taken with reference to the average expectation of life. What is the average? I know it has gone up now. But the conception of advanced age in India cannot be the same as it is in England, U.S.A. or U.S.S.R. for the simple reason that their expectation of life is very high compared to ours. Here, I do not know what our expectation of life these days is but I know it is not very high.

It has been said that I have not given any facts and figures. Our country is not as yet statistically very far advanced as the U.K., U.S.A. or U.S.S.R. Those countries are statistically very advanced and have statistics about every problem. We are just now building up our statistical organisation and I know that our statistical organisation at present is not of a very advanced kind. It has been said that there are some kinds of lies and statistics are also described as a kind of lie; I do not want to go into that.

Much more useful than the statistics are personal observations, personal experience and personal knowledge. Is there anybody here in this House who has not come across instances of maladjusted marriages to which I have made a reference in my Bill? What are we doing now? We are trying to make marriages a very happy adventure. That is why we are having this legislation. And if I have brought

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one source of unhappiness in that marriage to the notice of this House I think I have done something which is in conformity with the trend of the time. Therefore, I say that it is the business of the State to control all those actions which lead to unhappiness. Why are we trying to say that the children should not beg? Why are we saying that children should not be vagrants? Why did we pass Sharda Act? It has been said that this kind of Bill will interfere with personal freedom and personal choice; yet I think in every country we have to make a balance between personal choice and the exigencies of the social structure. My Bill refers to those exigencies and therefore it deserves the consideration of the House.

It has been said that the provisions which I have put in this Bill are such as are complicated. In the very beginning I said that I have tried to make this Bill as mild as possible.

Shrimati Sushama Sen: Sir, it is already past five o'clock.

Mr. Chairman: It has already been decided that the House will sit today till 5-15 P.M. The private Members business started at 2.45 and therefore the House will sit till 5.15.

Shri Gidwani: But, you said that you will put the motion for consideration to the vote of the House at five o'clock.

Mr. Chairman: He is just finishing and then I will put the motion.

Shri D. C. Sharma: Sir, how much time has been allotted to this Bill?

Mr. Chairman: The hon. Member fully knows that two hours have been

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allotted for this Bill, out of which we have taken about one hour and fifteen minutes. At about 4.45 I said that I will put the motion for consideration to the House at five o'clock so that the hon. Member could reply to the debate for about 15 minutes. He has already taken about 12 minutes and I should like him to finish in three or four minutes.

Shri D. C. Sharma: How long will the House sit today?

Mr. Chairman: What is this question at this stage I can't understand?

Shri D. C. Sharma: I will speak next time, Sir.

Mr. Chairman: There is no question of next time. I want to put the motion for consideration today so that if the motion is carried we can go on with the clause by clause consideration of the Bill.

Shri D. C. Sharma: That will be done next time, Sir.

Mr. Chairman: I do not understand what the hon. Member wants.

Shri D. C. Sharma: Sir, 2 hours are allotted for this Bill. We have only taken one hour and fifteen minutes today. 45 minutes are, therefore, left.

Mr. Chairman: If 2 hours are allotted to a Bill it does not mean that full 120 minutes will be devoted to the consideration of the Bill if it can be finished earlier. So far as the second and third stages are concerned they have also to be finished. The hon. Member perhaps assumes that the House will not agree to consider the Bill at all. I cannot make that assumption. As I have already submitted when Shri Sinhasan Singh put the question to me, I propose, if the consideration motion is passed, to proceed with the clause by clause consideration of the Bill. Therefore, I apportioned time in such a manner that the whole Bill may be finished; otherwise the difficulty will be that if 2 hours are over then the clause by clause consideration will not take place. I would, therefore, request the hon. Member to finish in 3 or 4 minutes.

Shri D. C. Sharma: Sir, as Shri Raghavachari put it, in this Bill I have drawn the attention of this House to a very important social problem. I hope that the House will focus its attention upon that problem and will find some way out of the social difficulty that confronts us at this time.

The question is:

"That the Bill to restrict the advanced age marriages, be taken into consideration".

The motion was negatived.

FUNERAL REFORMS BILL

Shri Telkikar (Nanded): I beg to move:

"That the Bill to provide for the cremation of dead human bodies in India be circulated for the purpose of eliciting opinion thereon by the end of October, 1955.

There are only about five minutes more. Shall I begin my speech?

Mr. Chairman: How does the hon. Member assume that there are only five miutes more? I have already said that we shall sit till 5-15 P.M.

Shri Telkikar: While moving for the circulation of this Bill I do not think it out of place or even improper just to give a brief history of the events behind the emergence of this Bill. On the 3rd of September, 1954, exactly a year before, I happened to receive copy of a petition sent to the House of

the People by Shri Tejpal, a resident of Rajkot, regarding his desire to introduce funeral reforms by a resolution or by bringing an amendment to the Constitution. Having fully apreciated his suggestions, I carefully drafted the Bill. Of course, I drafted it after mature consideration, but according to some Members, probably it may be badly worded. Whatever it may be, I drafted the Bill, but there have been difficulties again. The Parliament Secretariat envisaged some difficulties and constitutional impediments in the way of its admittance. But I could satisfy them to some extent.

Shri Tejpal, ex-M.L.A. of Rajkot is a devout social worker and he has devoted many years of his life in solving these problems. His activities were commended by no less a personality than Mahatma Gandhi. Once he succeeded in getting a resolution adopted in a social conference which was held at Ahmedabad under the presidentship of Mahatma Gandhi. I shall read the resolution It runs thus:

> "That this Conference advises each and every community to reform the conduct of funerals by substituting the hearse for conveying the biers and the method of cremation by open pyres".

Again, on several occasions. be saw Mahatma Gandhi and he had discussed the matter with him. While discussing, Bapuji once said... ..

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): On a point of order. Item No. 10 of the State List, in the Seventh Schedule of the Constitution deals with burials, burial grounds, cremation and cremation grounds. So how can this Bill be taken into consideration in this House? It comes under the State List.

Mr. Chairman: Has that point been considered by the hon. Mover of the Bill?

Shri Telkikar: I have understood that point. Of course, it is in the State List, but we are not going by the very words which I used here. But we have in the Concurrent List, item No. 20 which mentions "Economic and social planning".

This comes under item No. 20 in the Concurrent List.

Mr. Chairman: Item No. 20 is about economic and social planning.

Shri Telkikar: My Bill comes under economic and social planning.

Mr. Chairman: So far as this specific question is concerned, the discretion is though left to the Chair by law, it is not exercised as a matter of convention by the Chair. When the motion is put before the House, then the House will exercise its discretion and shall decide whether this is a matter regarding which it is not constitutionally possible for the House to legislate. It is not usual for the Chair to take a decision. though in this case the matter seems to be obvious enough.

An Hon. Member: There is no quorum in the House.

Shri Telkikar: Under social planning, so many things come. We have passed the Special Marriage Bill into law.

Mr. Chairman: Is it the hon. Member's contention that marriage comes under item 20 of the Concurrent List?

Shri Telkikar: Perhaps later on there was some amendment and this was included in the State List. So many Bills come under social and economic planning. In society, marriages and funerals are social things.

Mr. Chairman: I have already said that this constitutional objection will be decided by the House. So the hon. Member can continue on the merits of the Bill, if he likes. Or, if he has finished, I will put the motion to the House.

Shri Telkikar: No, no. I have a long speech to make. I shall require half an hour more.

Mr. Chairman: The hon. Member should remember that only half an hour is allotted to this Bill.

Shri Telkikar: One hour is allotted.

Mr. Chairman: No, only half an hour is allotted to this Bill and the hon. Member must allow some time for the other hon. Members to partake in the discussion.

Shri Telkikar: I am just quoting here the very words uttered by Mahatma Gandhi on that occasion:

> "First of all, let us have our political freedom. I know the foreign rulers have taught us many things but not the reverential method of conveying the bier. After our political freedom, our Government will have to sponsor a Bill for the funeral reforms, the real welfare of the people, society and the country."

This is what Gandhiji said on that occasion at the conference held at Ahmedabad. He had contacted many people,—foreign and Indian—and discussed the matter with many celebrities at home and abroad. He had published a pamphlet on funeral reforms and given the opinions of scientists in this matter. I shall read out those opinions later on.

Coming to the Bill, I have given three reasons in the Statement of Objects and Reasons. The Bill seeks to abolish the burial system and the custom of carrying the dead on human shoulders. It also seeks to adopt the system of cremation and carrying the dead not on human shoulders but in hearses. This is the object of the Bill on grounds of economy, efficiency and sanitation. First, I shall deal with sanitation. There are dangerous potentialities in the system of burials. It has got the potentialities to create epidemics and diseases. Of course, I can relate the whole incident. The episode is given in a book called The *Book of Golden Deeds* by Charlotte Mary Younge. In England, there was a small village. There was a plague in that village and many people died of the ravages of that plague. They were all buried in a graveyard near by. After a quarter of a century, Government wanted to reclaim that land for the purpose of cultivation of potatoes. Some labourers were employed. Many of them, or nearly all of them died because of plague germs. The infection was so virulent that plague spread all over England. It would not subside. They could get rid of it only when London was burnt in the great fire of London. This is the story. Experience shows that these graveyards are not only the storehouses of all sorts of germs, they not only preserve the germs, but in addition, they develop the germs and they make them more virulent: all sorts of germs to which those people had fallen prey: germs of leprosy, germs of tuberculosis, germs of plague, cholera and so on. We have these graveyards in the hearts of cities.

Mr. Chairman: Does the hon. Member want to take more time?

Shri Telkikar: Yes; at least half an hour.

Mr. Chairman: Does the hon. Member not want me to put this motion to the House today?

Shri Telkikar: At least 15 minutes.

Mr. Chairman: Already it is 5.15. I am not disposed to prolong the time of the sitting. If the hon. Member wants a minute or two, we can sit and the motion could be put to the House, and then we can adjourn.

Shri Telkikar: I have to say.....

Shrimati Renu Chakravartty (Basirhat): For the whole Bill only half an hour has been allotted. If he takes more than 10 minutes for putting the motion before the House whether it would like to take it for consideration or not, how long will the whole discussions take?

Shri Telkikar: The time allowed is not sufficient.

Shri Jaipal Singh: (Ranchi West-Reserved-Sch. Tribes): I suggest an on the spot cremation so far as this Bill is concerned.

Mr. Chairman: Order, order. The hon. Member wants to speak at length. The House now stands adjourned to 11 A.M. tomorrow.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday the 3rd September, 1955.